

Friday, 14th April, 1950

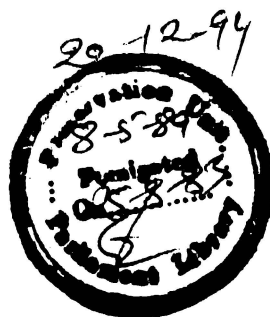


सत्यमेव जयते

PARLIAMENTARY DEBATES

(PART I—QUESTIONS AND ANSWERS)

OFFICIAL REPORT



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OF
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1950

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PARLIAMENTARY DEBATES
(PART I—QUESTIONS AND ANSWERS)

Friday, 14th April, 1950

The House met at a Quarter to Eleven of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

VACANCIES CREATED BY TRANSFER OF MUSLIMS TO PAKISTAN

*1676. **Sardar Hukam Singh:** Will the Minister of **Homes Affairs** be pleased to state:

(a) the number of posts held by Muslims in the Secretariat of the Government of India just before the partition in 1947;

(b) the number of posts vacated by the migration of the Muslims on account of partition; and

(c) the number, out of answer to part (b), filled by the displaced persons?

The Minister of Home Affairs and the States (Sardar Patel): (a) 2644.

(b) 2485.

(c) 1284.

Sardar Hukam Singh: Are these displaced persons temporary or have some of them been confirmed?

Sardar Patel: They are not yet permanently filled.

Sardar Hukam Singh: Are there any cases where displaced persons have not been appointed to such posts which were vacated by Muslims who migrated, on the pretext that there was no suitable displaced person available?

Sardar Patel: No, Sir. It is not so. But, persons who were regularly entitled to promotions could not be barred. So, some people have been promoted to the posts in the normal course.

Shri Tyagi: Have any posts which were not previously occupied by Moham-medans given to displaced persons?

Sardar Patel: There are some also.

ROYAL HUMANE SOCIETY AWARDS

*1678. **Lala Raj Kanwar:** (a) Will the Minister of **Home Affairs** be pleased to lay on the Table of the House a copy of the rules governing the Royal Humane Society's Awards?

(b) How many such awards have been granted in India during the past ten years, to whom were they granted and what was the nature of their services?

The Minister of Home Affairs and the States (Sardar Patel): (a) and (b). A copy of the rules governing the Royal Humane Society's Awards and a statement containing the information asked for by the hon. Member for the past five years, which is readily available, are placed on the Table of the House. [See Appendix VII, annexure No. 20].

Lala Raj Kanwar: May I know on whose recommendation these awards are generally made?

Sardar Patel: Up to now, the awards have been generally made on the recommendation of Government.

Lala Raj Kanwar: Is any cash payment attached to these awards and what is the amount?

Sardar Patel: No cash payment; it is a medal, as far as I know.

POLYGAMY

*1680. **Lala Raj Kanwar:** Will the Minister of **Home Affairs** be pleased to state whether in order to get the latest figures of polygamous marriages Government propose to make necessary enquiries in the next decennial census to be held in 1951?

The Minister of Home Affairs and the States (Sardar Patel): No, Sir.

Lala Raj Kanwar: May I know to what extent polygamy is prevalent in the country?

Sardar Patel: To the extent to which people want to marry more than once.

Lala Raj Kanwar: May I know whether Government have any proposal in their social programme to check polygamy as a social evil or as an unsocial act, particularly in view of the fact that the number of males exceeds the number of females in the country?

Mr. Speaker: I do not think we need go into all that.

Shri Kamath: Is the Minister aware that besides polygamy in India, there is also polyandry which has got to be abolished?

Sardar Patel: The proportion is not equal.

Lala Raj Kanwar: May I know whether in the opinion of Government, from a broad point of view, polygamy is considered to be a social evil or more or less a luxury?

Mr. Speaker: He cannot put such a question.

Sardar Patel: It is a matter of opinion. One must try and experience.

DARGAH KHWAJA SAHEB, AJMER

*1681. **Maulvi Wajed Ali:** Will the Minister of Home Affairs be pleased to state:

(a) the income of and the expenditure on Dargah Khwaja Saheb Ajmer, since the promulgation of the Dargah Khwajah Sharif Ordinance 1949; and

(b) the budget estimate of the Dargah Khwaja Sharif for 1950-51 as submitted by the Administrator of the Dargah?

The Minister of Home Affairs and the States (Sardar Patel): A statement is laid on the Table of the House.

STATEMENT

Income and Expenditure of Durgah Khwaja Sahib, Ajmer, upto 31st March 1950 and Budget Estimates for 1950-51.

* From 6 10-49 to 31-3-1950		Budget Estimates for 1950-51	
Income-	Expenditure	Income	Expenditure
Rs.	Rs.	Rs.	Rs.
64,905	59,999	1,35,304	1,61,612

* The date when the Administrator took over charge.

Maulvi Wajed Ali: May I know whether a communique has been issued recently regarding intending pilgrims taking rice and sugar to Ajmer and has the Administrator been instructed to take necessary steps to provide sufficient food to the intending pilgrims instead of their being forced to take rice and sugar?

Sardar Patel: I have no information on the subject; I will make enquiries.

सेना के लिये हिन्दी में बिल्ले

* 1682. **श्री जांगड़े:** क्या रक्षा मंत्री यह बतलाने की कृपा करेंगे कि क्या केन्द्रीय शासित क्षेत्रों में सेना के कर्मचारियों के बिल्ले हिन्दी में खुदवाये जायेंगे ?

HINDI BADGES FOR ARMED FORCES

*1682. **Shri Zangre:** Will the Minister of Defence be pleased to state whether the badges of the army personnel placed in the Centrally Administered Areas be struck in Hindi?

The Minister of Defence (Sardar Baldev Singh): I am afraid, Sir, I am unable to understand the question. No script is included in the Army badges which consist of five-pointed stars and the three Asoka lions. I do not also understand the reference to Centrally Administered areas as badges must obviously be the same for all army personnel wherever they are stationed.

BAN ON "BARSAAAT" BY U. P. GOVERNMENT

*1684. **Shri Sidhva:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether the All India Radio, Delhi, broadcast the story of 'Barsaat' on 4th December 1949;

(b) what is the reason for the ban on this film by U. P. Government; and

(c) whether the Government of India have taken any action in the matter?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) Yes, Sir.

(b) It is understood that the film had been uncertified by the Uttar Pradesh Government as an interim measure pending the views of the U. P. Cinema Advisory Committee.

(c) The question does not arise, as executive functions and powers exercisable under the Cinematograph Act, 1918, continue to be vested in the State Governments under clause (2) of Article 73 of the Constitution and will so continue until the Cinematograph (Second Amendment) Act, 1949, is brought into force.

Shri Sidhva: When is that Act likely to be brought into force?

Shri Diwakar: Arrangements are being made and as soon as the whole procedure has been gone through, it will be brought into force.

Shri Sidhva: May I know whether it is a fact that the All India Radio broadcast the story on the 4th December and have they written to the Government of the U. P. as to what were the objectionable features?

Shri Diwakar: The notification of the U. P. Government came on the 18th of March, that is four months after it was broadcast in Delhi.

Shri Sidhva: What is the objectionable feature, according to them?

Shri Diwakar: According to them, it was supposed to be prejudicial to Indo-Kashmir relations.

Shri Sidhva: May I know why that did not strike the Government of India?

Mr. Speaker: Order, order.

Shri Sidhva: May I know whether this film has celebrated golden jubilee and silver jubilee and if so whether Government intend to write to the U. P. Government in this respect?

Mr. Speaker: What is this golden jubilee? I could not follow.

Shri Sidhva: If a film is exhibited for three months, they celebrate the golden jubilee.

Mr. Speaker: It is a matter for the U. P. Government; this question may be put in the U. P. Assembly.

Shri Sidhva: My point is this. It is said that it is prejudicial to Indo-Kashmir relations. That is an all India.....

Mr. Speaker: I do not think the question can be allowed.

Shri Tyagi: Was not this film "Barsaat" banned during the winter season?

Sardar B. S. Man: Was this picture exhibited in the Srinagar cinema houses and was any protest made by the Kashmir Government?

Shri Diwakar: The Kashmir Information Bureau is supposed to have taken some objection.

Shri Hossain Imam: Is it a fact that the Board of Film Censors in Bombay is a body on which the Government of India relies and their actions have the Government of India's approval?

Shri Diwakar: The Board works under the Government of Bombay

CULTURAL RELATIONS COUNCIL

*1685. **Prof. S. N. Mishra:** (a) Will the Minister of Education be pleased to state the functions of the Cultural Relations Council?

(b) Do Asian Cultural Relations fall within its ambit?

منسٹر آف ایجوکیشن (مولانا آزاد) : (اے) انڈین کونسل فار کلچرل رلیشنس کا فنکشن یہ ہے کہ انڈیا اور دوسرے ملکوں کے درمیان کلچرل مہل ملاپ بڑھایا جائے اور ایک دوسرے کو تھپک طور پر سمجھنے اور ایک دوسرے سے نزدیک ہونے کی کوشش کی جائے۔ اس کام کے لئے جو جو باتیں ضروری معلوم ہونگی کونسل کوشش کریگی کہ انہیں کام میں لائے۔

(بی) ہاں—آنریبل ممبر کو کونسل کے کانسٹیٹیوشن کی طرف توجہ دلائی جاتی ہے۔ جس کی ایک کاپی ہاوس کی ٹیبل پر رکھ دی گئی ہے۔

[See Appendix VII, annexure No. 21.]

The Minister of Education (Maulana Azad): (a) The function of the Indian Council for Cultural Relations is to revive or establish and strengthen cultural relations between India and other countries and take all steps conducive to that end.

(b) Yes. The hon. Member's attention is drawn to the Constitution of the Council of which a copy is placed on the Table of the House. [See Appendix VII, annexure No. 21.]

۔ پروفیسر एस० एन० मिश्र : क्या इस की शाखायें ईजिप्ट, टर्की और इराक में खुल चुकी हैं ?

Prof. S. N. Mishra: Have its branches been established in Egypt, Turkey and Iraq?

مولانا آزاد : نہیں۔ ابھی تو یہ کونسل قائم ہوئی ہے۔ ہو سکتا ہے آگے چل کر اسکی برانچ بھی کھلے۔ لیکن ابھی کہیں برانچ نہیں کھلی ہے۔

Maulana Azad: No. The council has just been set up. It is just possible that its branches may be established in the long run. But for the present no branches have been established.

श्री गौतम : यह काउंसिल क्या वह कदम उठाने वाली है जो हमारे और एशिया के दूसरे मुसालिक के ताल्लुकात को बेहतर बनाने के लिए ?

Shri Gautam: Is the Council going to adopt such measures that would help to improve our relations with the other countries of Asia?

मोलाना आज़ाद : जैसा कि मैंने अभी कहा जो बातें इस काम के लिए ضروری معلوم होंगी कौन्सिल आहسته आहسته कوشिश करेगी कि उन कामों को عمل में लाया जाय - अभी कौन्सिल की طرف से संस्कृत का एक प्रोफेसर ईरान को भेजा गया है - कौन्सिल के अध्यक्ष में से एक कृष्ण चंद्रा के पास है - एक रिजल्ट रूम खोल रहीं हैं - और अब इस की अिग्रेजियेटो बारी बित्थेकी और अंन्दे का प्रोग्राम बनाई है -

Maulana Azad: As I just said the Council would gradually make efforts to put into practice such things that would be considered essential for this purpose. For the present a professor of Sanskrit has been sent to Iran on behalf of the Council. At its headquarters the Council has set up a library and is going to open a reading room. Soon the Executive Body would hold its meeting and would discuss and chalk out the future programme.

श्री कामत : एशियाई मूलकों के पारस्परिक सांस्कृतिक सम्बन्ध बढ़ाने के लिए इस योजना में अगले साल के लिये कितनी रकम मंजूर हुई है ?

Shri Kamath: For improving the cultural relations between the Asian countries how much amount of money has been sanctioned under this scheme for the next year?

मोलाना आज़ाद : अगले साल के लिये एक लाख रुपिये की रकम देयी गयी है -

Maulana Azad: A sum of Rs. one lakh has been allocated for the next year.

Shri R. Velayudhan: How many members are there on the Council and on what basis have they been selected or nominated?

मोलाना आज़ाद : कान्स्टिट्यूशन तो हास की तैमिल पर रकम दिया गया है - अगर अंग्रेजि महिषर इस को देखिये कि क्लिफ ग्वारा करिये तो उनको तस्विलत मेलुम हो जायिगी - कौन्सिल इस तरह बनी है कि मलक की जन्मी योन्डोरस्तेया और क्लेचरल सोसायटिया हिन उन का रिप्रेजेंटेशन रकमा गया है और तेस महिषरों को गवर्नमेन्ट ऑफ इन्डिया ने नामिन्ट किया है -

Maulana Azad: The constitution has been laid on the Table of the House. If the hon. Member would take the trouble of going through it then he would come to know of the details. The Council has been constituted in the manner that all the universities and cultural societies have been given representation on the Council and 30 members have been nominated by Government of India.

Shri Borooah: May I know whether the Government propose starting a school for the proper study of the languages and culture of the Asian countries, so that the work of Council may be facilitated?

مولانا آزاد : نہیں اس کونسل کے سامنے ابھی یہ کام نہیں ہے - اس کام کا تعلق تو فارن رلشنس مینسٹری سے ہے - وہ اگر ضرورت سمجھے گی تو اس طرح کا اسکول قائم کریگی -

Maulana Azad: No, for the present this is not included in the programme of the Council. This thing relates to the Ministry of Foreign Relations. If that Ministry would deem it necessary then such a school would be established.

श्री ए० पी० जैन : क्या मैं यह जान सकता हूँ कि आया इस काउंसिल का इरादा यह है कि कोई स्कीम बना कर उसके मुताबिक काम करे या कि जिस वक्त जो चीज पैदा होगी उसके मुताबिक काम करती रहेगी ?

Shri A. P. Jain: May I know if the Council intends to work according to a well settled scheme or would take such steps as would be deemed necessary to meet the needs of the situation that may arise?

مولانا آزاد : نہیں - اسکیم تو بدلتی جائے گی - لیکن یہ ظاہر ہے کہ جتنا روپیہ کونسل کے ہاتھ میں ہوگا اس کو سامنے رکھ کر اور ضرورتوں کو دیکھ کر اپنے کام کو پھیلانے کی -

Maulana Azad: No, a scheme would be chalked out. But it is quite clear that the Council would enlarge the field of its activities after taking into consideration the amount of money at its disposal and the duties it has to perform.

बाबू रामनारायण सिंह : यह काम दूसरे मुल्कों के सहयोग से होने वाला है , तो दूसरे मुल्कों में यदि इसकी शाखायें नहीं स्थापित होती हैं तो इस का काम कैसे आगे बढ़ेगा ?

Babu Ramnarayan Singh: This work is to be accomplished with the cooperation of other countries. If no branches are established in the foreign countries then how the work would proceed?

मिस्टर स्पीकर : यह तो आप बहस कर रहें हैं ।

Mr. Speaker: You are entering into argument.

बाबू रामनारायण सिंह : मैं पूछ रहा हूँ कि दूसरे मुल्कों से सहयोग लेने का कौनसा उपाय है ।

Babu Ramnarayan Singh: I am asking the ways and means of securing co-operation of the other countries.

مولانا آزاد : کوآپریشن اس طریقہ سے حاصل کیا جائیگا کہ ان ملکوں کے پروفیسرز یہاں بلائے جائیں گے اور یہاں کے پروفیسرز وہاں جائیں گے - یہی تھلک ہیں جن سے ہم دوسرے ملکوں سے اپنے کلچرل رلشنز بڑھا سکتے ہیں -

Maulana Azad: The cooperation would be secured in this way that professors from those countries would be invited to come here and those of this country would be sent there. These are the methods with which we can improve our cultural relations with other countries.

CULTURAL MISSIONS TO ASIAN COUNTRIES

*1686. **Prof. S. N. Mishra:** (a) Will the Minister of Education be pleased to state whether Government propose to send Cultural Missions to some of the Asian Countries in near future?

(b) If so, what are the names of the countries to which such missions are proposed to be sent?

مڈسٹر آف ایجوکیشن (مولانا آزاد) : (اے) اس وقت کوئی ایسی نجویز گورنمنٹ کے سامنے نہیں ہے کہ کسی ایشیائی ملک میں کوئی کلچرل مشن بھیجا جائے۔

(بی) سوال کا یہ حصہ پیدا نہیں ہوتا۔

The Minister of Education (Maulana Azad): (a) At present there is no proposal to send Cultural Missions to any Asian countries in the near future.

(b) Does not arise.

پروفیسر एस० एन० मिश्र : क्या इस तरह के बुलावे एशियाई मुल्कों से आये हैं कि कल्चरल डेलीगेशनस वहाँ भेजे जायें ?

Prof. S. N. Mishra: Have invitations been received from Asiatic countries requesting that Cultural Delegations be sent there?

مولانا آزاد : جہاں تک کلچرل مشن بھیجنے کا تعلق ہے ہمارے پاس کسی دوسرے ملک سے کوئی خاص دعوت نہیں آئی ہے۔ اور ہم نے بھی ابھی کسی دوسرے ملک کو اس بارے میں کچھ نہیں لکھا ہے۔

Maulana Azad: As far as the question of sending Cultural Delegations is concerned we have received no special invitation from any foreign country. As also we have not written anything to any country in this respect.

پروفیسر एस० एन० मिश्र : क्या कुछ दिनों पहले बाली कल्चरल मिशन भेजने का इरादा था ?

Prof. S. N. Mishra: Was it intended sometime back to send a cultural mission to Bali?

مولانا آزاد : میں سمجھتا ہوں انریبل ممبر کا مطلب اس مشن سے ہے جو آرکھالوجیکل ڈپارٹمنٹ سے جانے والا تھا۔ جہاں تک مجھے یاد ہے وہ مشن گیا تھا اور اپنا کام پورا کر آگیا۔

Maulana Azad: I think the hon. Member is alluding to that Mission which was to be sent there by the Archaeological Department. As far as I remember the Mission had gone there and has since returned after completing its work.

सरदार बी० एस० मान : हिन्दुस्तान में मुस्लिफ़ तहज़ीबों हैं। जब यह कल्चरल मिशन बाहर जाते हैं तो इन मुस्लिफ़ तहज़ीबों में से कौन सी तहज़ीब को अफज़ल समझ कर उस का प्रचार करते हैं ?

Sardar B. S. Man: Different cultures are found in India. When those Cultural Missions go to other countries then thinking which culture to be superior to all others they try to propound?

- مولانا آزاد : جس کو ہم انڈین تہذیب کہتے ہیں۔

Maulana Azad: The culture that we call Indian Culture.

PUBLIC GRIEVANCES AGAINST PATNA RADIO STATION

*1687. **Prof. S. N. Mishra:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether Government are aware of the considerable public dissatisfaction with the Patna Station of the A.I.R.;

(b) whether the attention of Government has been drawn to a statement issued by 26 members of the State Legislature in this connection; and

(c) if so, what steps do Government propose to take in the matter?

The Minister of State for Information and Broadcasting (Shri Diwakar):

(a) Government are not aware of any such dissatisfaction with the Patna Station. In fact a number of appreciations of the programmes broadcast from this station have been expressed by listeners and several newspapers. Latterly, some criticism against A. I. R.'s Hindi policy has appeared in the Bihar press but, in so far as it has been against the Patna Station, it has only been in the shape of demands for the employment of Hindi or Bihar poets and writers, and not either against the programmes or the working of the Station.

(b) Government have seen Press reports of a statement purporting to have been issued by 26 members of the Bihar Legislative Assembly in regard to some suggestions made by the *Hindi Sahitya Sammelan* and in regard to appointments in All-India Radio.

(c) While Government do not concede the validity of many of the demands made in the statement, all necessary steps to secure the co-operation of Hindi writers will, however, continue to be taken.

Prof. S. N. Mishra: May I know whether it is a fact that one of the members of the Advisory Committee and the President of the Bihar *Hindi Sahitya Sammelan* has also dissociated himself from the Patna Station of the A. I. R.?

Shri Diwakar: I do not exactly know.

Prof. S. N. Mishra: May I know whether Government have tried to reply to some of the charges levelled by the Members of the Bihar Legislature?

Shri Diwakar: The reply is being sent to them. Their communication was received only very recently.

TRANSACTIONS OF IMPERIAL BANK OF INDIA IN PAKISTAN

*1688. **Shri Alagesan:** Will the Minister of Finance be pleased to state:

(a) whether the Imperial Bank of India, is allowed to operate in Pakistan without any restrictions being placed on it;

(b) whether the institution functions as Bankers to the Pakistan Government to the limited extent that it does as agents of the Reserve Bank of India in India;

(c) whether the attention of Government has been drawn to the latest Balance Sheet of this Bank;

(d) whether Government have any information as to the extent of the holding of the Bank of (i) Pakistan Currency notes, (ii) Pakistan Securities, (iii) deposits in the State Bank of Pakistan, and (iv) advances and loans to Pakistan nationals and/or others resident in Pakistan;

(e) whether Government have any information as to the extent of deposits accepted by the Bank (both Time and Demand) from Pakistan Governments (Centre and Provinces) Pakistan local bodies, Pakistan Nationals and/or other resident in Pakistan; and

(f) what steps Government propose to take to keep themselves *au fait* week by week with the position of this Bank in respect of its transaction in Pakistan?

The Minister of Finance (Dr. Matthal): (a) Under its Statute, the Imperial Bank is free to establish and maintain branches or agencies in India or elsewhere. The Bank functions in Pakistan in the same manner as it functions in other countries like Burma and Ceylon and as other Indian Joint Stock Banks function in Pakistan.

(b) Under an Agreement, which is operative till the 30th June, 1950, the Imperial Bank has been appointed to act as Agent for the State Bank of Pakistan to conduct banking business on behalf of the Central and Provincial Governments in Pakistan on the lines of those laid down in its Agency Agreement with the Reserve Bank of India.

(c) Yes.

(d) and (e). No, Sir.

(f) Government keep themselves informed of the main particulars of the Bank's position in Pakistan informally and do not consider that any other steps are necessary.

Shri Alagesan: In regard to part (c) is it not a fact that the balance sheet does not disclose details of particulars called for in (d), (e) and (f)?

Dr. Matthal: The way in which it is given is that the figures for India are shown separately from the figures for places outside India. Government consider, in the present situation, that it is quite enough for public purposes.

Shri Alagesan: May I know what is the position, in respect of banking companies incorporated or constituted by law in India, in regard to disclosure of transactions with other countries?

Dr. Matthal: The disclosure of transactions with other countries in respect of each such country is usually not done.

Shri T. T. Krishnamachari: May I ask, since the hon. Minister thinks there is no need for obtaining information on (d) and (e), how he proposes to assess the position of the Imperial Bank in that country, particularly as it is a Bank operating under a charter, and whether there are difficulties in regard to realisation of assets mentioned under (d) and (e)?

Dr. Matthai: All that I am in a position to say at present is that I maintain a careful watch over the situation in regard to this particular matter, and I am satisfied that no transactions have been carried out by the Imperial Bank which have been detrimental to India's interests.

Shri T. T. Krishnamachari: May I ask how my hon. friend is keeping a watch if information is not furnished under those heads?

Dr. Matthai: The information which is published in the balance-sheet of the Imperial Bank is the information furnished according to the bye-laws of the Imperial Bank, and as far as Government are concerned, we are in a position to ascertain from time to time the necessary particulars.

Shri T. T. Krishnamachari: May I again ask my hon. friend if he is aware that these bye-laws were drafted at a time when circumstances such as have been prevailing between India and Pakistan were not in existence, and therefore some caution in this respect is very necessary? I would like to know what my hon. friend proposes to do about it.

Dr. Matthai: I quite appreciate my hon. friend's statement that caution is necessary. That necessary caution is being exercised.

Dr. V. Subramaniam: Is the Bank being inspected by officials from India and does the Pakistan Government give any guarantee to the loans that the Bank gives in Pakistan?

Dr. Matthai: The Imperial Bank functions exactly in the same way as any other joint stock bank.

Shri Hossain Imam: Is it a fact that the Pakistan branch of the Imperial Bank maintains its assets on the basis of the non-devalued rupee of Pakistan?

Dr. Matthai: Whether the Pakistan Bank does that?

Shri Hossain Imam: Yes.

Dr. Matthai: I am not in a position to answer that.

ANCIENT MONUMENTS IN SIBSAGAR IN ASSAM

*1689. **Shri Buragohain:** Will the Minister of Education be pleased to state:

(a) the names of ancient monuments preserved in Sibsagar district in Assam;

(b) the nature of conservation work done and expenses incurred in preserving the said monuments in the year 1949-50; and

(c) what steps if any are taken to repair the golden dome of the Sibdole Temple at Sibsagar?

مستتر آف ایجوکیشن (مولانا آزاد) : (اے) اور (بی) - دو اسٹیٹمنٹ ہاوس کے
 ٹیبل پر دکھ دئے گئے ہیں جس سے دونوں باتیں آنریبل ممبر کو معلوم ہو جائیں گی -
 [See Appendix VII, annexure No. 22.]

(سی) سب سائر ٹیبل کے سلہری کلس کی مرمت اسلئے فوراً نہیں ہو
 سکی کہ اس کام کے لئے آسام میں آدمی نہیں مل سکے۔ اب یہ انتظام کیا گیا ہے کہ یہ
 کلس کلکتہ میں لایا جائے اور وہاں اسے تھیک طور پر درست کر دیا جائے۔ جونہی
 آسام کی نئی ریلوے لائن میں پارسل بکنگ کا کام شروع ہو گیا فوراً یہ کام پورا کر دیا
 جائیگا۔

The Minister of Education (Maulana Azad): (a) and (b). Two statements, one giving a list of protected monuments in the district of Sibsagar and the other showing the nature of work done and expenditure incurred on the various monuments during 1949-1950 are placed on the Table of the House. [See Appendix VII, annexure No. 22.]

(c) Due to non-availability of a suitable local gilder, repairs to the golden Kalasi (final) of the Sibdole temple could not be attended to. It is proposed to bring down the Kalasi to Calcutta this year as soon as the parcel booking on the New Assam Rail link is restored.

Shri Buragohain: With regard to (a) and (b), may I know when the list of monuments of national importance was first prepared and whether it has since been brought uptodate?

مولانا آزاد : لسٹ میں پوری فہرست 19 جگہوں کی دی گئی ہے اور پچھلے
 برس 77,200 روپیہ انکی مرمت پر خرچ ہوا ہے۔

Maulana Azad: The list gives full details of 19 places, and last year a sum of Rs. 7,720/- was spent over its repairs.

Shri Buragohain: But when was the list first prepared and has it since been brought uptodate?

مولانا آزاد : جس وقت آنریبل ممبر نے یہ سوال کیا اس وقت لسٹ بدائی
 گئی۔

Maulana Azad: This list was prepared at the time when the hon. Member gave notice of this question.

Shri R. K. Chaudhuri: May I know what amount has been set apart for the repair of this dome?

مولانا آزاد : نہیں یہ میں ابھی نہیں بتا سکتا۔

Maulana Azad: No. I cannot say this offhand.

مولوی واجید اعلی : کیا میں یہ جان سکتا ہوں کہ اس کلاس کی ریمپریجنگ کا کام کتنے دن میں شروع ہو جائیگا ؟

Maulvi Wajed Ali: May I know when the work for repairing this Kalasi shall begin?

مولانا آزاد : یہ تو میں آنریبل ممبر کو ابھی نہیں بتلا سکتا لیکن میں سمجھتا ہوں کہ جونہی یہ کلکتہ میں آیا فوراً اس کی مرمت کا کام کیا جائیگا اور کوشش یہی ہوگی کہ جلد سے جلد مرمت ہو جائے۔

Maulana Azad: I cannot exactly tell this to the hon. Member, but I think that as soon as it is brought down to Calcutta, its repairing work shall be immediately undertaken and efforts made to carry out the repairs without any delay.

شری ساتیش چندر : کانسٹیٹیوشن کے یونین لیسٹ کی سڈسٹریکٹ انٹری (entry) کے متعلقہ ملک کے بعض خاص خاص انٹرنیشنل مونیومنٹس کو قانون کے تحت اس کا ذکر کیا جانا ضروری ہے، اس سبب میں گورنمنٹ کو کب اس میں بیل لائیگی ؟

Shri Satish Chandra: According to item 67 of the Union List of the Constitution, a few particular ancient monuments in this country should be declared by law to be of national importance. When do the Government expect to bring forth legislation in this connection before the House?

مولانا آزاد : اس کے متعلق کارروائی کی جا رہی ہے۔

Maulana Azad: Action is being taken in this direction.

شری کامت : ان تمام سمارکوں کے متعلقہ پرانے اور جدید کے پٹنوں کا پیمانہ کیا ہے ؟

Shri Kamath: May I know what is the criterion for distinguishing as to which of these monuments are 'ancient' and which of these are 'modern'?

مولانا آزاد : سب سے پہلا ٹیسٹ تو ہستی ہے۔ جو مادوں ہیں۔ وہ مادوں ہیں۔ جو پرانے ہیں۔ وہ پرانے ہیں۔

Maulana Azad: The first test is history. Those which are modern are 'modern' and those which are old are 'old'.

Shri Buragohain: Is there any officer of the Archaeological Department posted in any part of Assam to look after these monuments?

مولانا آزاد : سرکل سپرنٹنڈنٹ ہوتے ہیں اور آسام کے لئے بھی سرکل سپرنٹنڈنٹ ہیں۔

Maulana Azad: There are Circle Superintendents and such officers are posted in Assam also.

Shri R. K. Chaudhuri: May I take it from the hon. Minister that he will have no hesitation in giving as much money as is required for the repair of this dome?

مولانا آزاد : ہاں میں ضرور آپ کو اطمینان دلاؤں گا کہ جتنے روپیہ کی ضرورت ہوگی اُسکی مرمت کے لئے ضرور خرچ کیا جائیگا۔

Maulana Azad: Yes, I shall certainly assure the hon. Member that as much money as is required shall be spent for its repairs.

FRENCH STUDENTS

*1690. **Shri P. Basi Reddi:** Will the Minister of Education be pleased to state:

(a) the number of scholarships awarded to French Students for study in India;

(b) the number of scholarships awarded by French Government to Indian students for a similar purpose; and

(c) the expenditures involved for both the Governments separately on account of these scholarships?

مسٹر آف ایجوکیشن (مولانا آزاد) : (اے) ۱۹۴۹-۵۰ میں نو اسکالرشپ فرنچ اسکالر کو دئے گئے تھے لیکن صرف ایک اسکالر اس وقت تک انڈیا میں آیا ہے۔
(بی) فرنچ گورنمنٹ اس وقت تک ۳۷ اسکالرشپ انڈین اسکالرز کو دے چکی ہے۔

۳	۲۶-۲۵
۳	۲۷-۲۶
۹	۲۸-۲۷
۱۱	۲۹-۲۸
۱۰	۳۰-۲۹

۳۷

(سی)۔ فرنچ گورنمنٹ کو اس اسکیم پر کتنا روپیہ خرچ کرنا پڑا یہ بات گورنمنٹ آف انڈیا نہیں بتلا سکتی۔

(سی) قریب قریب نو سو روپیہ گورنمنٹ نے ۱۹۴۹-۵۰ کے بجٹ میں ایک رقم تیس ہزار چھ سو کی اس اسکیم کے لئے رکھی گئی ہے۔

The Minister of Education (Maulana Azad): (a) Nine Fellowships have been awarded to French scholars for the year 1949-50. So far only one has arrived in India.

(b) The French Government has awarded so far 37 scholarships to Indian students as under:

Year	Awards
1945-46	3
1946-47	4
1947-48	9
1948-49	11
1949-50	10
Total .	<u>37</u>

(c) (i) The Government of India have no information about the expenditure incurred on this scheme by the French Government.

(ii) Approximately Rs. 900/- have been spent by the Government of India on the scheme during the financial year 1949-50. A budget provision of Rs. 30,600 has been made for expenditure on the same scheme during 1950-51.

Shri P. Basi Reddi: Has the Government awarded scholarships to students of any other country?

مولانا آزاد : ہاں دوسرے بعض ملکوں کو بھی دئے گئے ہیں -

Maulana Azad: Yes, these have been awarded to certain other countries also.

Shri P. Basi Reddi: What are the countries?

مولانا آزاد : میں اسکی اس وقت لسٹ نہیں بتا سکتا -

Maulana Azad: I cannot give the list thereof at present.

Shri Sonavane: What are the subjects for study for the students who are awarded these scholarships and sent abroad?

مولانا آزاد : یہ میں اس وقت نہیں بتا سکتا -

Maulana Azad: I cannot say this offhand.

श्री देशबन्धु गुप्ता : दूसरे मुल्कों के जिन तालिबइल्मों को स्कालरशिप दी गयी हैं उन में कितने लड़के हैं और कितनी लड़कियाँ ?

Shri Deshbandhu Gupta: What is the number of boys and girls, among the students of foreign countries who have been awarded scholarships?

مولانا آزاد : مجھے اندیشہ ہے کہ میں اس کا جواب ابھی نہیں دے سکتا -

Maulana Azad: I am afraid I cannot reply this offhand.

MEDICAL AND EDUCATIONAL FACILITIES FOR DISPLACED CHILDREN IN ANDAMANS

***1691. Shri B. K. Das:** Will the Minister of **Home Affairs** be pleased to state what arrangements have been made for drinking water, medical aid and education of children of the displaced persons sent to the Andamans?

The Minister of Home Affairs and the States (Sardar Patel): Adequate arrangements have been made for supply of drinking water to the displaced persons through taps and wells. A dispensary has been opened and, in addition, a medical officer visits each village periodically. Two primary schools have also been opened and the opening of a third is under consideration.

Shri B. K. Das: How many new wells or tanks have been dug in this area?

Sardar Patel: The number is quite adequate for the number of people who have been sent there.

Shri Chattopadhyay: What is the number of displaced children over there?

Sardar Patel: I cannot give the figure separately for children.

Shri B. K. Das: Has any arrangement been made for introducing the mother tongue in the local High Schools?

Sardar Patel: Andamanese is the mother tongue there. No difficulty has arisen about language there.

PAKISTAN SPYRING IN WEST BENGAL

***1692. Shri B. K. Das:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether the attention of the Government has been drawn to newspaper reports that a spy ring has been very actively operating in West Bengal and other parts of the Indian Union since the recent disturbances in East Bengal;

(b) how many such cases have been detected;

(c) what has been found to be the nature of their activities; and

(d) how have they been dealt with?

The Minister of Home Affairs and the States (Sardar Patel): (a) Yes.

(b) to (d). Information is being collected.

Shri B. K. Das: Is there information as to whether the spying work is being sponsored by outside agencies?

Sardar Patel: I have not got the information. As I have said in the answer, it is being collected. But I do not think this information has any importance after the recent Agreement.

Shri Kamath: Has the West Bengal Government reported within the last three or four months the arrests of several persons within West Bengal on the alleged charge of espionage?

Sardar Patel: Not to the Government of India.

Dr. M. M. Das: May I know whether it is a fact that for the restoration of amity and goodwill between the two Dominions which is necessary for the implementation of the recent Agreement, Government is contemplating to release all these Pakistani nationals who have been arrested as spies?

Sardar Patel: If there is any reciprocal arrangement such action will necessarily follow if the Agreement is implemented.

Shrimati Durgabai: May I know what other parts of the Indian Union are subject to the spying activities of this ring?

Sardar Patel: I do not know.

Mr. Speaker: It does not really arise.

Sardar B. S. Man: After the signing of the recent Agreement, have Government assured themselves that spying activities have stopped now?

Sardar Patel: There is nothing in the Agreement about spying activities. If the Agreement is implemented, it necessarily follows that there is no spying.

Sardar B. S. Man: Arising out of the answer given by the hon. Minister that after the Agreement it necessarily follows that there is no spying, may I know whether, the Agreement has had a good bearing on the spying activities in India?

Mr. Speaker: It is, I think, premature and a matter of opinion also.

Shri R. K. Chaudhuri: Is it a fact that spying has also been actively going on in the Province of Assam and that some spies have actually been arrested?

Sardar Patel: If there is spying in Assam, the hon. Member must be aware of it.

Shri R. K. Chaudhuri: I am not in the confidence of the Police.

AIR-CODITIONING OF MILITARY HOSPITALS

*1698. **Dr. M. M. Das:** (a) Will the Minister of Defence be pleased to state whether there is any proposal for air-conditioning a number of military hospitals?

(b) If so, what are the names of such hospitals?

(c) What will be the expenditure to be incurred for air-conditioning these hospitals?

(d) Are there any existing air-conditioned hospitals in India under the Defence Services?

The Minister of Defence (Sardar Baldev Singh): (a) No military hospitals are to be completely air-conditioned but there is a proposal to air-condition essential departments like the Heat Stroke rooms, Operation Theatres. Plaster rooms, Labour rooms and X-Ray Departments of some military hospitals in hot places and also about five per cent. of the beds in military hospitals, at stations where air-conditioning is essential for treatment.

(b) The names of stations have not yet been finalised.

(c) Approximatley Rs. 1.85 lakhs.

(d) No military hospital, as such, has been completely air-conditioned; only certain essential departments and a few beds in selected hospitals are air-conditioned.

Dr. M. M. Das: May I know whether these air conditioning plants are to be purchased by the Defence Department or whether they have been salvaged from the Disposals?

Sardar Baldev Singh: The air conditioning plants are with us. We are not purchasing any additional ones.

Dr. M. M. Das: May I know what will be the recurring expenditure of the air conditioning plants that are to be installed?

Sardar Baldev Singh: I have not got that figure with me.

Dr. M. M. Das: May I know whether this scheme of air conditioning part of these hospitals is compatible with our retrenchment programme?

Sardar Baldev Singh: As I have already said, we are not incurring any additional expenditure. We are merely utilising the air conditioning plants that are with us today.

Dr. M. M. Das: May I know whether there is any guarantee that this recurring expenditure will not be a big sum?

Sardar Baldev Singh: The recurring expenditure on the machines that are with us is bound to be incurred. No additional expenditure is to be incurred, as I have said in my reply to the question.

Shri Kamath: Is the hon. Minister in a position to assure the House that the few beds in some of the hospitals which will be air conditioned will be made use of not merely for officers but also for other ranks wherever necessary?

Sardar Baldev Singh: If my hon. friend had followed the answer that I gave, he would have seen that these air conditioned rooms are not reserved for officers. They are meant for use by any patient.

Shri Kamath: That is good.

खेर वंश को दी जाने वाली पेंशन

*1694 श्री जांगड़े : (ए) क्या गृह मंत्री यह बतलाने की कृपा करेंगे कि खेर वंश के वंशजों को जो सागर की अन्तिम रानी के सम्बन्धी हैं कितनी पूर्व वृत्ति (पेंशन) दी जाती है ?

(बी) क्या उन को सन् १९५०-५१ में दी जाने वाली (पेंशन) में कोई कमी की गई है ?

PENSION TO DESCENDANTS OF THE KHER DYNASTY

*1694. **Shri Zangre:** (a) Will the Minister of Home Affairs be pleased to state what is the amount of pension paid to the descendants of the Kher dynasty who are the relatives of the last Rani of Saugor?

(b) Has any reduction been made in the amount of pension payable to them during the year 1950-51?

The Minister of Home Affairs and the States (Sardar Patel): (a) and (b). Government regret that they have no information.

Shri Brajeshwar Prasad: Is Mr. A. G. Kher, a Minister of the U.P. Government, also a member of this family?

Mr. Speaker: I think it is hardly a question to be asked of the Government.

POLITICAL PRISONERS AND U.P.S.C. EXAMINATIONS

***1695. Shri Kesava Rao:** (a) Will the Minister of Home Affairs be pleased to state whether it is a fact that political prisoners, who took part in the 1942 movement, are permitted to sit for the competitive examinations for Government services?

(b) If the answer to part (a) above be in the affirmative, how many such persons have applied for the same?

(c) Are any concessions given to them as regards (i) educational qualifications and (ii) age?

The Minister of Home Affairs and the States (Sardar Patel): (a) Yes; persons who took part in the national movements and were thereby prevented from availing themselves of the normal opportunities for entry into Central Government Service have been given some concessions.

(b) The information so far as Union Public Service Commission's examinations are concerned is being collected and will be laid on the Table of the House in due course.

(c) The hon. Member's attention is invited to the Press-note on the subject which issued on the 29th November 1948 and a copy of which is laid on the Table of the House. [See *Appendix VII, annexure No. 23.*]

Shri Kesava Rao: May I know what is the last date fixed for receiving applications from these political prisoners?

Sardar Patel: I have no information on this subject.

Shri Kesava Rao: May I know whether it is a fact that persons who were holding Government jobs during 1942 and who resigned them and joined the National Movement were also allowed to sit for this examination?

Sardar Patel: If they are covered under the rules, they can sit. I do not know.

DEATHS DUE TO USE OF ADULTERATED MUSTARD OIL

***1696. Shri Kesava Rao:** Will the Minister of Health be pleased to state:

(a) the number of cases of deaths due to the use of adulterated mustard oil in Centrally Administered Areas; and

(b) what steps have been taken to prevent the use of adulterated oil in the Centrally Administered Areas?

The Minister of Health (Rajkumari Amrit Kaur): (a) and (b). Necessary information has been called for from all the Centrally Administered Areas. Replies received from Delhi, Ajmer, Vindhya Pradesh and Tripura indicate that no deaths have taken place in these States on account of adulterated mustard oil. The local bodies in Delhi have been advised to be vigilant and to take frequent samples of oil for check. Information from other Administrations is still awaited and will be laid on the Table of the House when received.

Shri Kesava Rao: How many cases of adulteration of mustard oil were registered during the current year?

Rajkumari Amrit Kaur: I am afraid I could not furnish that information.

Prof. Ranga: Are any steps being taken to capture stocks of argemone seeds which are being used as adulterant with mustard?

Rajkumari Amrit Kaur: Recently I sent out two senior officers from the Central Medical Directorate to Bihar to enquire into this matter and they have given me a report only yesterday. We are contemplating as to what action should be taken on it, in consultation with the Ministry of Agriculture.

Dr. M. M. Das: Is it a fact that an epidemic form of dropsy, which is caused by the use of adulterated mustard oil has taken place in some families of Delhi who take mustard oil?

Rajkumari Amrit Kaur: I have not had any information from Delhi.

Dr. M. M. Das: May I know, Sir, whether Government has received any reports that white oil and mobiloil are being adulterated with mustard oil?

Rajkumari Amrit Kaur: I have seen reports of this in the Press; but Government have not received any intimation from any of their officers in regard to this.

Shri Ohattopadhyay: When a particular stock is found to be adulterated what happens to the stock—is it allowed to be sold in the market as edible oil?

Rajkumari Amrit Kaur: No, all contaminated stocks wherever found, are seized and destroyed.

Dr. M. M. Das: In view of the fact that mobiloil and white oil are dangerous to health what active steps are Government contemplating to take to stop such adulteration?

Rajkumari Amrit Kaur: Pure Food Acts are existent in all the States and those who are found adulterating can be punished under these Acts.

Prof. Ranga: Is it not a fact, Sir, that in most of the States the food adulteration control order or law is not being satisfactorily enforced and as a result white mineral oil is being generally used as adulterant in the edible oils?

Rajkumari Amrit Kaur: The position, as I stated the other day on the floor of the House, is unsatisfactory and Government are in correspondence with all the States to bring in uniform legislation for the entire country so that the situation may be improved.

AIR WING UNITS OF NATIONAL CADET CORPS

*1697. **Shri Buragohain:** (a) Will the Minister of Defence be pleased to state whether Government have taken in hand any scheme to constitute Air Wing units of the National Cadet Corps?

(b) If so, what is the nature of that scheme?

The Minister of Defence (Sardar Baldev Singh): (a) Yes.

(b) The scheme is to train cadets of the National Cadet Corps Air Wing for a period of three years in Air Force subjects and train them up to Civil Pilots "A" License standard in flying.

Shri Buragohain: In which parts of India is the scheme now in operation?

Sardar Baldev Singh: In Calcutta and Bombay.

Shri Buragohain: Is it proposed to extend the scheme to other parts of India like Madras and Delhi?

Sardar Baldev Singh: It is our intention to extend the scheme, whenever it is possible to do so.

Babu Ramnarayan Singh: Why not to Patna?

Mr. Speaker: Order, order.

SCULPTURES AND MONUMENTS

*1700. **Shri P. Basi Reddi:** (a) Will the Minister of Education be pleased to state what are all the sculptures and monuments of archæological importance which are fast crumbling and the preservation of which is considered to be impossible?

(b) What are the recommendations of the Archaeological Advisory Board regarding these sculptures and monuments?

(c) Have the Government accepted these recommendations, if so, what steps have Government taken or propose to take, to implement the recommendations?

منسٹر آف ایجوکیشن (مولانا آزاد) : (اے) اس طرح کی تمام پرانی عمارتوں کی ایک لسٹ تیار کی جا رہی ہے اور جونہی وہ تیار ہوگئی ہاوس کے ٹیبل پر رکھ دی جائیگی -

(بی) سنٹرل ایڈوائزری بورڈ آف آرکیالاجی نے اپنی چھٹی میٹنگ میں جو ۷ فروری ۱۹۴۱ء کو ہوئی تھی یہ دو ریزولوشن پاس کئے تھے :

(۱) آرکیالاجیکل ایڈوائزری بورڈ یہ سفارش کرتا ہے کہ تمام ایسی پرانی چیزوں کی چمکی اب مرمت نہیں ہو سکتی اور جو تہزی کے ساتھ بربادی کی طرف جا رہی ہیں فوٹوگراف لے لئے جائیں تاکہ ہمیشہ کے لئے انکی صورت شکل محفوظ ہو جائے -

(۲) آرکیالاجیکل ایڈوائزری بورڈ سفارش کرتا ہے کہ پرانی عمارتوں کے جو انسکریپشن اب خراب ہو رہے ہیں اور انہیں انکی اصلی حالت میں نہیں رکھا جا سکتا ان کے فوٹوگراف اور چھاپ لے لئے جائیں تاکہ وہ ہمیشہ کے لئے محفوظ ہو جائیں -

(سی) اس سے پہلے کہ ایڈوائزری بورڈ یہ ریزولوشن پاس کرے گورنمنٹ کے سامنے یہ بات آچکی تھی اور گونارک تمہل میں یہ کام شروع کیا جا چکا تھا۔ بہر حال گورنمنٹ نے ان سفارشوں کو منظور کر لیا ہے اور تمام سرکل سپرنٹنڈنٹوں کو انسٹرکشنس بھیج

دئے گئے ہیں کہ اس طرح کی تمام چیزوں کا ایک کیمپٹ فوٹوگرافیٹک ریکارڈ تیار کر لیں -

The Minister of Education (Maulana Azad): (a) Complete lists of all monuments, inscriptions and sculptures of archaeological importance, which are fast crumbling due to age and other causes, and the preservation of which is considered impossible, are under preparation with the Circle Superintendents of the Archaeological Department and will be placed on the Table of the House as soon as ready.

(b) The recommendations of the Central Advisory Board of Archaeology are embodied in the following resolutions passed at its sixth meeting on 7th February, 1949:

"6. The Archaeological Advisory Board recommends to the Government to take complete photographs of all sculptures of those monuments like the temple of Konarak which is fast crumbling and which it may be found impossible to preserve.

7. The Archaeological Advisory Board recommends to the Government to take complete photographs and impressions of all inscriptions which are fast crumbling and which it may be found impossible to preserve."

(c) The above recommendations have been accepted by Government in principle and instructions have already been issued to Circle Superintendents of the Archaeological Department to prepare complete photographic records for all such monuments, sculptures and inscriptions which are decaying.

Shri P. Basi Reddi: What is the expenditure expected to be incurred in this connection?

مولانا آزاد: یہ میں ابھی نہیں بتا سکتا -

Maulana Azad: I cannot give this information off-hand.

Prof. Ranga: Is there any scheme with the Government of India for the establishment of regional museums in order to preserve these finds and also make them available to be seen and studied by the local people?

مولانا آزاد: گورنمنٹ اس پر دھیان دے رہی ہے -

Maulana Azad: Government are considering this.

Shri R. Velayudhan: May I know whether any statues of ex-Viceroy or ex-Governors are kept in these archaeological museums?

श्री टी० एन० सिंह०: क्या में जान सकता हूँ कि फोटोग्राफी के अलावा इस बात की भी तजवीज है कि इन आरकीलोजिकल चीजों के (castings) और (moulds) बनाये जायें ?

Shri T. N. Singh: May I know whether in addition to the photographs there is any proposal under consideration to prepare castings and moulds of these archaeological finds?

مولانا آزاد: ہاں جو کتبے ایسے ہیں کہ انکا نمونہ تیار کر لیا جا سکتا ہے انکے نمونے تیار کئے جائیں گے - لیکن میں سمجھتا ہوں، زیادہ تر کتبے ایسی حالت میں ہیں کہ انہیں فوٹوگراف ہی کے ذریعہ محفوظ کیا جا سکتا ہے -

Maulana Azad: Yes, facsimiles of inscriptions shall be made in cases where it is possible. But I think most of the inscriptions are in such a condition that these can only be preserved by taking the photographs.

श्री टी० एन० सिंह : आरकीलौजिकल बिल्डिंग जो आरकीलौजिकल मोन्यूमेंट की हैं क्या उन का मॉडल बनाया जा सकता है ?

Shri T. N. Singh: Is it possible to prepare any models of the buildings which are treated as "archæological monuments"?

مولانا آزاد : ہاں جو بڈائے جا سکتے ہیں اُنکے بنانے کی ضرور کوشش کی جائیگی -

Maulana Azad: Yes, efforts shall certainly be made to prepare these in cases where it is possible.

श्री द्विवेदी : जो रियासतें मर्ज (Merge) हो चुकी हैं और जहां अभी तक आरकीलौजिकल डिपार्टमेंट (Archæological Department) का काम नहीं है वहां पर कोई ऐसी इमारतों अथवा मान्यूमेंट (Monuments) के बारे में तफ़्तीश की जा रही है ?

Shri Dwivedi: Is any enquiry being made in the merged States where the Archæological Department does not function even uptil now to find out whether there exist any such buildings or monuments?

مولانا آزاد : اس کا کام ہو رہا ہے -

Maulana Azad: Action is being taken in this respect.

REFORMATORY SCHOOLS

*1701. **Shri Jnani Ram:** Will the Minister of Education be pleased to state:

- the number of Reformatory Schools in the Centrally Administered Areas;
- the number of Juvenile convicts from 1946 onwards in the Centrally Administered Areas; and
- the contributions given by Government to the States for Juvenil training in Reformatory Schools?

مستور آف ایجوکیشن (مولانا آزاد) : (اے) اور (بی) — ضروری باتیں معلوم کی جا رہی ہیں۔ جب معلوم ہو جائیگی تو آنریبل ممبر کو بھیج دی جائیگی -
(سی) گورنمنٹ نے اس بارے میں کوئی رقم نہیں دی ہے -

The Minister of Education (Maulana Azad): (a) and (b). The information is being collected and will be given to the hon. Member when received.

(c) No contributions have been given by the Government.

श्री ग्यानी राम : क्या शिक्षा मंत्री जी यह बतलाने की कृपा करेंगे कि सेन्द्रली एंड मिनिस्ट्रड एरियाज में कितने कमसिन कैंदी प्रान्तों के रिफारमेटरी स्कूलों में भेजे गये हैं ? अगर नहीं, तो उन्हें भेजने की कोई योजना है ?

Shri Jnani Ram : Will the Minister of Education be pleased to state as to how many juvenile prisoners from the Centrally Administered Areas have been sent to the Reformatory Schools of the various Provinces? If no prisoners have been sent, then is there any scheme to send them there?

مولانا آزاد - یہ میں ابھی نہیں بتا سکتا -

Maulana Azad : I cannot give this information just now.

REOCCUPATION OF LANDS AND BUILDINGS IN CANTONMENTS

*1704. **Shri Sidhva :** (a) Will the Minister of Defence be pleased to state whether notices for reoccupation of immoveable property, both lands and buildings, have been issued by Military Estates Officers in various Cantonments?

(b) If the answer to part (a) above be in the affirmative, what is the number of houses which they want to reoccupy in different Cantonments, and the purpose for which such houses are needed?

(c) On what basis do Government propose to assess the compensation payable, and under what law do the Government propose to take the property from the present owners and holders of their property and rights?

The Minister of Defence (Sardar Baldev Singh) : (a) and (b). Yes. There are about 15 cases of resumption in progress, of which 14 are cases in which there are buildings on the sites. The resumption notices in these cases were issued either because the property was required for use by Government or because there has been a breach of terms.

(c) As I pointed out in answer to Starred Question No. 797 asked by the hon. Member on the 2nd March 1949, these grants of lands are subject to the condition that Government retain the power of resumption on giving one month's notice and paying the value of such buildings as may have been authorised to be erected. The amount of compensation paid for each building is roughly the cost at current market rates of the erection of such buildings to M.E.S. Specifications less deductions on account of inferior specification and workmanship of depreciation and of repairs necessary to bring the buildings to a reasonable state.

Shri Sidhva : The hon. Minister stated that notices have been issued in fifteen cases. May I know the total number of buildings which come under this category where one month's eviction notice can be given, as stated by the hon. Minister?

Sardar Baldev Singh : I have not got the total number of such buildings with me at this moment, but if the hon. Member is interested I will be able to reply if he gives notice of the question.

Shri Sidhva : May I know whether notice of eviction, as has been served in the fifteen cases, will be served only when the Government requires these buildings for its own use or in ordinary cases also?

Sardar Baldev Singh : The notice will be served when Government requires the buildings for its own use or where the rules are violated. These are the

two reasons, and in the fifteen cases in respect of which notices have been given the notices have been on account of these two reasons: one is that they are needed for Government purposes and the other is that rules and regulations have not been complied with.

Shri Sidhva: In these fifteen specific cases may I know what violation of rules was committed?

Sardar Baldev Singh: I have not got the details of what breaches of rules were committed, but the action was taken because breaches have been committed.

COMMUNITY SETS IN U.P.

*1705. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of **Information and Broadcasting** be pleased to state whether there is any scheme in the U. P. to cover the rural areas for broadcasting?

(b) What is the radius of service of the Allahabad Station broadcasting machine?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) Coverage of rural areas by installing community receiver sets is the responsibility of State Governments. It is, however, understood that the Uttar Pradesh Government have under consideration a scheme for further development of listening facilities in rural areas.

(b) Technically the effective range of the Allahabad Broadcasting Station which is equipped with a one K. W. Medium-wave transmitter extends to a radius of about 25 miles. The Station however is ordinarily heard clearly far beyond that radius, roughly about 100 miles.

Pandit Munishwar Datt Upadhyay: What is the total number of community receiver sets working there?

Shri Diwakar: Our information is that there are about 260 at present and they are mostly under the Lucknow station.

Shrimati Durgabai: May I know whether there is any proposal under consideration to replace the pilot stations wherever they are by full-fledged stations?

Shri Diwakar: Not just now, but that is in the general scheme.

Shri A. P. Jain: What is the number of rural community receiver sets within the range of the Allahabad station?

Shri Diwakar: My information is that there are none.

Shri A. P. Jain: May I know whether any portion of the effective listening area of the Allahabad station and the Lucknow station overlap?

Shri Diwakar: There is just now a proposal by the Uttar Pradesh Government about covering the area round about Allahabad.

Shri A. P. Jain: That is not my question. My question is whether any portion which is covered by the Allahabad station and that covered by the Lucknow station overlap.

Shri Diwakar: It might be, on the fringes.

Shri Tyagi: May I know if radio broadcasts from Delhi are receivable at Allahabad and Lucknow?

Shri Diwakar: Yes, but it depends upon the wave-length on which we broadcast.

Shri Tyagi: May I know the policy with regard to opening new stations? Are they opened at places where no other station can serve them or at places where other stations can also serve them?

Shri Diwakar: It is a matter of economy and simple common-sense that they are opened where other stations cannot serve them.

UNREGISTERED DENTISTS IN CENTRALLY ADMINISTERED AREAS

*1706. **Shri Kamath:** Will the Minister of Health be pleased to state:

(a) whether the Dentists Act, 1948 fixed a period of two years only for the registration of dentists;

(b) the number and names of unregistered dentists still practising in the Centrally Administered Areas; and

(c) what action Government propose to take against such unregistered dentists?

The Minister of Health (Rajkumari Amrit Kaur): (a) Under the Dentists Act, 1948, the first registers of dentists should have been prepared before the expiry of two years from the commencement of the Act.

(b) and (c). It has not been possible so far to prepare and publish the first registers under the Act in any State including the Centrally Administered Areas. On the recommendation of the Government of Madras it has been decided that legislation should be promoted to amend Section 49 of the Dentists Act so that the time limit laid down therein may be extended by one year. In the meantime, the Government of India have suggested to State Governments that no prosecutions for the violation of Section 49 of the Act should be initiated.

Shri Kamath: Is it a fact that all dentists in the Centrally Administered Areas as well as in the States have registered under the Act and only a few British dentists have refused to take Indian domicile?

Rajkumari Amrit Kaur: As far as I know, most of the foreign dentists in the Centrally Administered Areas as well as in the States have taken Indian domicile, and I believe there are two Britishers who have not taken Indian domicile so far.

Shri Kamath: Is there a British dentist in Delhi who has not taken Indian domicile?

Rajkumari Amrit Kaur: I believe there is one.

Shri Kamath: What action do Government propose to take against those dentists who are practising today unregistered?

Rajkumari Amrit Kaur: Government cannot take any action against those who are practising as the Act has not been able to come into force because of the non-preparation of the necessary Registers by the State Governments.

Shri Kamath: Was the Dental Council of India, which is the statutory body constituted by Parliament, at all consulted or taken into confidence by Government before extending the time-limit?

Rajkumari Amrit Kaur: I do not think the Dental Council met during that time. They are aware of the position of course?

Shri Kamath: How many States have applied for extension of time?

Rajkumari Amrit Kaur: Madras was the first State to do so and they sent in their application to us only last month. After we received their application we communicated that to the other State Governments and found that all of them were in the same position and all of them wanted an extension.

Shri Chattopadhyay: May I know whether the Schedule is being amended in order to register the students of the Calcutta City Dental College?

Rajkumari Amrit Kaur: I do not know how that arises from this question. That matter will be taken up by the Dental Council.

Shri Chattopadhyay: The hon. Minister stated that the Bill is going to be amended, and in that connection it arises.

Mr. Speaker: It is attributing a particular motive for the amendment. The hon. Minister stated that the need for amendment arises because the States and the Centrally Administered Areas have not been able to complete the registration within the time and that is the reason for which the Act is being amended. That was her reply.

Shri Sidhva: The hon. Minister stated that two British dentists have not taken Indian domicile. Is it a fact that they were approached but they refused to take Indian domicile?

Mr. Speaker: It will be a problematical question.

Shri Sidhva: I want to know what is the position.

Mr. Speaker: We should not go into individual cases at all.

Shri Kamath: What are the reasons for taking action by means of an Ordinance and not by an Amending Bill in this session?

Rajkumari Amrit Kaur: The Ministry of Parliamentary Affairs and the Law Ministry were consulted, and because the agenda on the List of Business in this session was so heavy it was stated that it was not possible to bring in a bill.

Shri Tyagi: Do Government propose to exempt such persons from the purview of this law as had not taken Indian domicile?

Rajkumari Amrit Kaur: No, Sir.

Shri Kamath: So far as Bombay State is concerned.

Mr. Speaker: Order, order. I am not allowing any more question on this.

EXTERMENT OF PRESIDENT OF AKHIL BHARAT HINDU MAHASABHA

*1707. **Shri Kamath:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the President and some other members of the Akhil Bharat Hindu Mahasabha have been externed from the Delhi district for a period of three months; and

(b) if so, why?

The Minister of Home Affairs and the States (Sardar Patel): (a) Yes.

(b) In view of their activities, Government had reason to believe that the presence of these persons in Delhi would have a prejudicial effect on law and order.

Shri Kamath: Is it a fact that so far as Dr. Khare was concerned, the order of externment was served on him late at night and when he asked for time to prepare to get out of Delhi it was refused?

Sardar Patel: He did not find any inconvenience to go.

Shri Kamath: My point was whether it is a fact that he asked for time till the next morning for moving out of Delhi and it was not given?

Sardar Patel: I have no information on the subject.

Shri Tyagi: What was the objectionable activity in which they were involved?

Sardar Patel: The objectionable activities cannot be disclosed in the public interest.

Shri Tyagi: May I know if the Government had taken any steps to see that these gentlemen do not participate in objectionable activities in other parts of the country?

Sardar Patel: In view of the restrictions placed on them they cannot do so and therefore obviously it is not necessary.

Shri Kamath: Is it a fact that Dr. Khare and others had come to Delhi only to attend a meeting of their Working Committee?

Sardar Patel: The hon. Member may be aware of it, but the information of Government was different.

Short Notice Questions and Answers.

28 UP ALLAHABAD-BOMBAY EXPRESS ACCIDENT

Shri Sidha: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that on or about 9th April 1950, an accident occurred to the 28 UP Allahabad-Bombay Express between Dongargaon and Mandva station;

(b) if so, what was the casualty; and

(c) what was the cause of accident?

The Minister of Transport and Railways (Shri Gopaldaswami): (a) Yes. At about 15-0 hours on 9-4-1950, while 28 UP Allahabad Express was running between Dongargaon and Mandva stations on the G.I.P. Railway, its last six bogies, including the bogie brake van in the rear of the train, derailed after the engine and the four leading bogies had safely passed over the spot.

(b) One person was killed and 43 were injured including seven injured seriously.

(c) The cause of the accident is not yet definitely known. The Government Inspector of Railways, Bombay, commenced his enquiry into the cause of the accident on the 12th instant.

Shri Sidhva: May I know, Sir, in view of these frequent accidents that have occurred, do Government contemplate to alter the system of railways by removing the bolts and dog spikes and welding the rails as they have done in other countries or in other railways?

Shri Gopaldaswami: There is no such thing under consideration at present, but the Chief Commissioner of Railways is now engaged on an intensive study of the number of accidents that have taken place during recent weeks, with a view to find out what should be done by way of making these accidents less frequent than they are.

Shri Sidhva: May I know whether between Bombay and Poona a similar welding system prevails whereby no accidents occur. If so, do Government intend to extend that procedure in almost all the railway lines?

Mr. Speaker: They are all suggestions practically.

Shri Sidhva: I want to know, because these various accidents have occurred, where they continue to remove the fish plates.

Mr. Speaker: The hon. Minister has said that the Chief Commissioner is studying the problem.

Shri Sidhva: May I know whether Government intend to take special precautions for having control of the bridges such as where the accident had now occurred?

Mr. Speaker: These are all suggestions.

Shri Sidhva: May I ask you, Sir, whether I can put a question on the 10 Down Kumaon Express accident which took place yesterday and also about the Fyzabad accident? Is the hon. Minister in a position to give the answer? Would you allow me, Sir?

Mr. Speaker: I do not think it can be permitted. The questions will have to be sent to me first and I must scrutinize whether they are admissible or not. It is not a matter of mere agreement between a Member and a Minister.

Shri Sidhva: This is a matter of public interest. I have sent a short notice question this morning.

Mr. Speaker: I have not yet received it. I will decide it in due course as early as possible.

Shri Sidhva: May I know whether this enquiry which is being held in connection with this accident, whether it is a public enquiry or a private enquiry? The hon. Minister replied with reference to the Kashmir Mail accident that it was a public enquiry. May I ask what has happened to these enquiries?

Mr. Speaker: That will be a different question whether this enquiry will be a public one or a private one.

Shri Gopaldaswami: It is the usual enquiry by the Government Inspector of Railways, who is under the control of the Communications Ministry.

Shri Sidhva: May I know whether the Communications Ministry sends the report to the Railway Minister or whether.....

Shri Gopaldaswami: Then let us see the report.

Shri Brajeshwar Prasad: May I know the name of the guard of this train?

Shri Kamath: How many reports of enquiries into railway accidents during the last 12 months have been published?

Shri Gopaldaswami: I cannot remember any publication, but I shall verify that if the hon. Member wants the information.

Shri Tyagi: In view of the repeated occurrences of such accidents, sometimes very serious, are Government contemplating to make some arrangements for guarding the railway lines?

Shri Gopaldaswami: We have taken steps in places where these accidents have occurred with the assistance of the local State Governments.

Sardar B. S. Man: How far and to what extent during these very frequent accidents active sabotage is responsible or a contributory factor?

Shri Gopaldaswami: In two cases they are definitely suspected, but we cannot yet be sure until the final conclusions have been accepted by Government as to whether they were real cases of sabotage.

Shri Joachim Alva: In view of this alarming number of accidents, will Government contemplate establishing a special section in the department for drastic prevention of these accidents beyond what is contemplated by the Chief Commissioner?

Shri Gopaldaswami: The only thing I can say is that with regard to the anticipation of accidents and preventing them, the only department that we could set up is a department consisting of astrologers.

Shri Sidhva: May I know, whether Mr. Desai, the Government Inspector of Railways in an enquiry on the Calcutta mail accident stated that in view of the frequent accidents, some device or anti-sabotage precaution is necessary by the Railways? May I know whether the hon. Minister's attention has been drawn to it? If so, to what effect?

Mr. Speaker: The Government Inspector of Railways makes his report. I do not see the meaning of the hon. Member's question. I think we are going into too many details. I am going to the next question.

DERAILMENT OF 2 DOWN EXPRESS TRAIN AT JAHANGIRABAD

Shri Sidhva: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that on or about 8th April 1950, a derailment of 2 Down Express Train occurred at Jahangirabad Railway station on the O.T.R. section (near Bara Banki); and

(b) if so, what was the cause of the accident and what was the casualty?

The Minister of Transport and Railways (Shri Gopaldaswami): (a) Yes. Shortly after 16.0 hours on 8th April 1950, the five coaches from the fourth from the engine of 2 Down Lucknow Express derailed at the trailing points of Jahangirabad Raj Station, five miles from Bara Banki Jn., after the engine and three leading bogies had safely passed over the spot. The last coach also remained on the rails.

(b) One person said to have been travelling on the foot board was killed and three others were injured. The cause of the accident is not yet known. An enquiry by a Committee of Heads of Departments of the Railway was held and their report is awaited.

Shri Sidhva: The old Government adopted a kind of system to avoid this sabotage. May I know whether Government propose to re-introduce such a system?

Shri Gopaldaswami: I did not know that the hon. Member had suggested a system.

Shri Sidhva: The Britishers during the war had adopted a system to prevent any kind of sabotage on the Railways. The system is known to the hon. Minister and his officers. May I know whether that system has been re-introduced?

Mr. Speaker: System adopted in India?

Shri Sidhva: In India.

Shri Gopaldaswami: Possibly during war-time they used the troops for guarding the lines. We have no such ambitions. What we adopt today is to get, for instance, village officers and villagers to help us in patrolling the line, along with the Railway Police, ordinary Police and other security officers.

Shri Kamath: Is there any ground for the widespread feeling that the new railway locomotives not being suited to our old track are not quite free from blame in the matter of these accidents?

Shri Gopaldaswami: These accidents have occurred at different places. I do not think there is any warrant for the opinion that the new type of locomotives have anything to do with these accidents.

Shri Deshbandhu Gupta: How long does it take for the Government to issue the casualty list, after the accidents occur?

Shri Gopaldaswami: As soon as the figures are collected.

Pandit Kunzru: May I ask whether Government have considered whether these accidents are due to inadequate attention paid to the maintenance of the lines?

Shri Gopaldaswami: So far we have no reason to suspect it but I take it that the Chief Commissioner's study of the circumstances in which these accidents took place would reveal whether there has been any defect in maintenance.

Shri Sidhva: May I know whether the result of this enquiry will be available to this House?

Shri Gopaldaswami: I have no objection to make it available to the House.

Shri Syamnandan Sahaya: In view of these repeated accidents and also in view of the fact that most of these may be due to the negligence of the railway authorities, do Government propose to constitute an Enquiry Committee consisting of persons other than the railway authorities?

Shri Gopaldaswami: At present a regular enquiry is held by an officer who is not under the control of the Railway administration but if the circumstances disclosed by his report justify such a course, we shall not be unwilling to order a further judicial enquiry.

Shri Kamath: Is it a fact that in almost all these accidents during the last 12 months, the trains have been run by the new locomotives?

Shri Gopaldaswami: I have already said that in some cases it has been so and in other cases it was not that type of locomotives.

Shri Ethirajulu Naidu: Have Government considered the feasibility of adopting the various safety devices that have appeared in the columns of the press?

Mr. Speaker: Order, order.

WRITTEN ANSWERS TO QUESTIONS

CHARGE ON CONSOLIDATED FUND OF STATES

*1677. **Shri V. S. Sarwate:** (a) Will the Minister of States be pleased to state what sums, if any, in respect of the payments made by the Government of India to the rulers of States mentioned in part B of the First Schedule to the Constitution of India, have been charged on the Consolidated Fund of each of the States concerned?

(b) In case the whole amount paid by the Government of India has been charged on the Consolidated Fund of the States concerned as contributions to be made by them, do the Government of India propose to make any gradual modifications therein and if so, how and when?

The Minister of Home Affairs and the States (Sardar Patel): (a) and (b). A statement containing the required information is laid on the Table of the House.

STATEMENT

(a) Contribution which will be charged on the Consolidated Fund of Part 'B' States in 1950-51 in respect of amounts payable by the Government of India to Rulers in Part 'B' States.

Name of Part 'B' States	Amount of contribution charged on the Consolidated Fund of Part 'B' States in 1950-51 in respect of amounts payable by the Government of India to Rulers in Part 'B' States (<i>vide</i> Article 291 of the Constitution)
	(Rs. in Lakhs)
1. Madhya Bharat	59.00
2. Rajasthan	73.68
3. PEPSU	33.25

(b) *Modifications in subsequent years.*—The amount to be charged on the Consolidated Fund of the States concerned in respect of the reimbursement of Privy Purse to the Government of India will (i) in the case of Rajasthan and Madhya Bharat be diminished by 20 per cent. each year until in 1955-56 there will be no recovery, and (ii) in the case of PEPSU be diminished by 10 per cent. each year until in 1960-61 there will be no recovery.

NOTE.—The above arrangements form part of the over-all financial settlement with Part 'B' States and were arrived at after full consultation with the Government of each State.

RECRUITMENT IN ORDNANCE FACTORIES

*1679. **Shri Chhalha:** (a) Will the Minister of Defence be pleased to state whether it is a fact that officers were recruited for chargemen grade I, Assistant Foreman, Assistant Store Holder etc., without advertisement and without selecting men through Union Public Service Commission in the Indian Ordnance Factories?

(b) If so, what are the reasons for doing so?

(c) How many such officers have been recruited recently from 1949 to March 1950 for chargemen Grade I and other higher ranks?

(d) Was sanction given in September, 1948 by the Defence Department for introduction of chargemen Grade I and if so, was it implemented?

The Minister of Defence (Sardar Baldev Singh): (a) and (b). The posts referred to are non-gazetted for which the appointing authority is the Director General of Ordnance Factories and, under the rules, consultation with the Union Public Service Commission is not required. The vacancies were widely advertised in 17 daily newspapers.

(c) 47.

(d) Yes.

REHABILITATION FINANCE ADMINISTRATION

*1683. **Lala Achint Ram:** (a) Will the Minister of Finance be pleased to state whether it is a fact that the Rehabilitation Finance Administration decided not to receive further applications on the 12th of June, 1949 as in their opinion they could not meet any further demand for loan with the amount of funds placed at their disposal?

(b) If so, what steps have Government taken to remove this handicap?

The Minister of Finance (Dr. Matthal): (a) Lists were generally closed on the 12th September 1949, for the reason stated by the hon. Member.

(b) I would refer the hon. Member to my reply to the debate on the 3rd February 1950 on the Bill to amend the Rehabilitation Finance Administration Act.

MARRIAGE CUSTOMS IN TRIBAL PEOPLE OF TRIPURA

*1699. **Shri S. M. Ghose:** (a) Will the Minister of States be pleased to state whether Government have received any representation from the Tripura State authority regarding certain Constitutional difficulty with which they are confronted therein dealing with the tribal people in that State?

(b) Is it a fact that the Tribal Laws, relating to marriage etc., which were observed by the tribal people, from time immemorial, and which were also recognised by the Maharajas of the State, are not being recognised by the present Government now?

(c) In view of the great resentment among the tribal people in the Tripura State over this matter, do Government propose to consider the advisability of removing those difficulties at an early date?

The Minister of Home Affairs and the States (Sardar Patel): (a) No Sir.

(b) Government are not aware of any such non-recognition.

(c) Does not arise.

TATA HOSPITAL FOR CANCER

*1702. **Shri Sawate**: Will the Minister of **Health** be pleased to state whether the Tata Hospital in Bombay for treatment of cancer is on the list of recognised hospitals for purposes of recoupment of treatment charges incurred by servants of the Government of India, Delhi?

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

POLICY *re* SANCTION OF GRANTS TO UNIVERSITIES

*1708. **Shri Deogirikar**: (a) Will the Minister of **Education** be pleased to state the policy of the Government of India in giving grants to various Universities?

(b) Is any supervision or annual inspection made in those Universities?

(c) Are any grants discontinued or curtailed on account of lack of minimum standard of efficiency or otherwise in those bodies?

(d) Are there any Universities which refuse admissions on communal considerations?

The Minister of Education (Maulana Azad): (a) The present position is that the Government of India does not generally give grants to Provincial Universities. The only exception is that some such universities have been given grants on the recommendations of the All India Council for Technical Education for the specific purpose of increasing facilities of instruction in Engineering and Technological subjects and on the recommendations of the Scientific Man Power Committee for post-graduate and research work in other scientific subjects. Such grants are given on conditions which *inter alia* ensure that they are to be utilised only for the specific purposes for which they are made.

(b) and (c). Yes, in accordance with the conditions of the grant and the Acts of incorporation of the University concerned.

(d) No, but the Scientific Man-power Committee has referred to the part played by communal considerations in relation to admission to some University Institutions. The Committee's observations in this respect are under examination.

P. T. O. CONCESSIONS

*1707-A. **Shri Kamath**: Will the Minister of **Home Affairs** be pleased to state:

(a) whether the P.T.O. concession was withdrawn in the middle of 1949 as a measure of economy;

(b) whether Government propose to consider its re-introduction enabling the Government servants to travel by Class III at least, if not by higher classes; and

(c) if so, when will it be re-introduced, and if not, why not?

The Minister of Home Affairs and the States (Sardar Patel): (a) The P.T.O. Concession granted to the Central Government servants was suspended, as a temporary measure of economy for a period of one year with effect from the 5th October 1949.

(b) and (c). The question of re-introduction of the concession will be considered in due course.

Friday, 14th April, 1950



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME IV, 1950

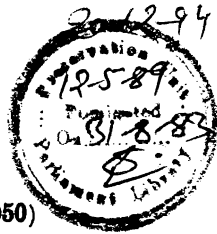
(1st April, 1950 to 20th April, 1950)

First Session

of the

PARLIAMENT OF INDIA

1950



CORRIGENDA

to

the Parliamentary Debates (Part II—Other than Questions and Answers), 1st Session, 1950,—
In Volume IV,—

1. No. 3, dated the 4th April, 1950,—
Page 2507, line 19 from bottom for "tribal and other backward areas" read "scheduled castes".
2. No. 4, dated the 5th April, 1950,—
Page 2561, line one under clause 182, for "—ssion" read "submission".
3. No. 6, dated the 8th April, 1950,—
(i) Page 2647, line 11 from bottom for "so" read "to".
(ii) Page 2648, line 9 after "far" read "so".
(iii) Page 2670, line 11 from bottom for "coutry" read "country".
4. No. 7, dated the 10th April, 1950,—
Page 2710, line 13 from bottom for "its" read "to", and in last line for last word "~~we~~" read "were".
5. No. 9, dated the 12th April, 1950,—
(i) Page 2810, line 6 from bottom for "act" read "Act".
(ii) Page 2822, for existing line 19 from bottom read "into effect on 19th October, 1949 certain actions had been taken under the old".
6. No. 10, dated the 14th April, 1950,—
Page 2832, for existing line 19 from bottom read "(Occupancy or tenancy right not to be extinguished)".
7. No. 11, dated the 15th April, 1950,—
(i) Page 2896, line 24 after "not" insert "go".
(ii) Page 2900, line 7 for "express" read "expenses".
8. No. 12, dated the 17th April, 1950,—
(i) Page 2922, line 12 for "Shri Hussain Iman" read "Shri Hussain Imam".
(ii) Page 2923, line 4 for "all the said" read "all is said".
(iii) صفحہ ۲۹۲۶ لائن ۴ میں -دمزدور، کی جگہ ددھڑارے پڑھیں -
(iv) Page 2930, between lines 10 and 11 from bottom insert "[Mr. DEPUTY-SPEAKER in the Chair]".
(v) Page 2934, line 1 for "49, 5000" read "49, 500".
9. No. 14, dated the 19th April, 1950,—
(i) Page 3020, line 9 from bottom for "re-established" read "re-establish".
(ii) Page 3022, line 19 for "away" read "way".
(iii) Page 3024, line 12 for "members" read "numbers".
(iv) Page 3025, line 18 for "placed" read "displaced".
(v) Page 3026, line 19 from bottom for "by 375" read "be 375".
(vi) Page 3029, line 28 for "by" read "ly".
(vii) Page 3031, line 12 after "Notified" insert "Area".
(viii) पृष्ठ ३०३९, पंक्ति १२ में "जातता" के स्थान पर "जानता" पढ़ें और पंक्ति २२ में "जिस को की कि" के स्थान पर "जिस को कि" पढ़ें ।
(ix) Page 3044, line 20 for "Mr. Speaker" read "Mr. Deputy Speaker".

10. No. 15, dated the 20th April, 1950,—

- (i) Page 3059, line 16 for "Article any" read "Article 327".
 - (ii) Page 3084, line 11 from bottom for "effected" read "effete".
 - (iii) Page 3087, line 26 against "9. Tripura" for "6" read "2".
 - (iv) Page 3104, line 8 for "Formaula" read "Formula".
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PARLIAMENTARY DEBATES
(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Friday, 14th April, 1950.

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

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11.55 A.M.

PAPERS LAID ON THE TABLE

AUTHENTICATED SCHEDULE OF AUTHORISED EXPENDITURE OTHER THAN RAILWAYS

Supplementary Expenditure for 1949-50.

The Minister of Finance (Dr. Matthal): I lay on the Table an authenticated Schedule of authorised supplementary expenditure for the year 1949-50 in respect of expenditure other than Railways.

In pursuance of the provisions of article 300 A(1) of the Constitution of India, as inserted by the Constitution (Removal of Difficulties) Order No. III of 1950, I, Rajendra Prasad, President of India, do hereby authenticate by my signature the following schedule of supplementary expenditure from the revenues of India for the year 1949-50:

SCHEDULE

<i>Service, Administration or Area to which Demand relates.</i>	Amount (in thousands of rupees)		
	Voted	Charged	Total
1. Customs	26.68	...	26.68
2. Central Excise Duties	1.23	..	1.23
3. Taxes on Income, etc	15.20	...	15.20
4. Opium	23.53	...	23.53
5. Stamps	18.69	1.42	20.11
9. Indian Posts and Telegraphs	1,25.00	...	1,25.00
10. Cabinet	45	...	45
11. Constituent Assembly	16.58	...	16.58
13. Ministry of Home Affairs	8.84	...	8.84
15. Ministry of Law	15	...	15
19. Ministry of External Affairs	36	...	36
21. Ministry of Commerce	1.30	...	1.30
27. Ministry of States	4.25	...	4.25

(2825)

28. Ministry of Defence	...	...	73	...	73
31. Payments to other Governments, Departments, etc.	...	...	33	...	33
33. Administration of Justice	...	...	1,99	...	1,99
35. Police	...	...	17,30	...	17,30
37. Lighthouses and Lightships	...	...	2,50	...	2,50
38. Ecclesiastical	...	...	7	...	7
39. Tribal Areas	...	...	2,00	...	2,00
40. External Affairs	...	...	5,25	...	5,25
53. Agriculture	...	...	10,66	...	10,66
55. Industries and Supplies	..	...	1	...	1
66. Miscellaneous Departments	...	...	5,79	...	5,79
67. Currency	...	...	23,29	...	23,29
69. Civil Works	...	...	27,05	...	27,05
73. Stationery and Printing	..	...	27,46	...	27,46
74. Miscellaneous	...	...	1	26	27
75. Expenditure on Refugees	...	...	42,00	...	42,00
76. Defence Services—Effective Army	..	...	15,69,22	...	15,69,22
79. Defence Services—Non-Effective Charges...	...	...	62,60	2	62,62
81. Miscellaneous adjustments between Central and Provincial Governments	...	...	44	..	44
82. Resettlement and Development	...	...	1	...	1
85. Delhi	...	...	62,97	6	63,03
86. Ajmer-Merwara	...	...	23,90	6	23,96
87. Panth Piploda	...	...	12	..	12
Federal Public Service Commission	...	...	...	1,03	1,03
92. Capital Outlay on Indian Posts and Telegraphs	...	...	1	...	1
94. Capital Outlay on Industrial Development	...	...	1	...	1
101. Commuted Value of Pensions	...	...	1,15,28	...	1,15,28
102. Payments to Retrenched Personnel	...	...	1,19	...	1,19
104. Capital Outlay on Schemes of State Trading	...	...	4	...	4
107. Interest-free and Interest-bearing Advances	...	...	6,87,21	...	6,87,21

NEW DELHI,

the 1st April, 1950.

RAJENDRA PRASAD,

President of India.

SUPPLY OF ADVANCE COPIES OF STATEMENTS LAID ON THE TABLE IN ANSWER TO QUESTIONS

Mr. Speaker: Hon. Members have requested that statements laid on the Table of the House in answer to questions for oral answer should be supplied to them in advance. I have also enquired from Government the difficulties if any, which they may have in complying with the request from Members. Having considered the whole matter, as promised, in all aspects, I have to inform the House that advance copies of statements will be available in the following manner:

(1) A copy of the statement will be available only to the Member who has put the question for oral answer.

(2) The copy can be had by the Member about fifteen minutes in advance of the time of the meeting.

(3) Those Members whose questions are included in the list of questions for oral answer for any particular day may call at the Notice Office at 10.30 A.M. and obtain the copy of the statement, if any, in connection with any of their questions.

(4) The Ministry concerned will be responsible for the supply of copies of statements to the Parliament Secretariat.

(5) Copies of statements supplied to the Members shall be considered as confidential and not released for publication until the question for oral answer is actually put and answered. In case the question is not reached, the answer will not be released till after the question hour.

(6) The statement should not be taken as the final one as the Minister replying will always have the right to make any corrections therein till the time the question is actually answered. The statement will be considered a provisional one and taken as final in the form and with such corrections as are made when the question is answered.

Shri Shiva Rao (Madras): Will the same facilities, subject to conditions regarding publication which you have specified, be also available to the Press Gallery?

Mr. Speaker: I am afraid it will not be possible for us to do that.

Shri Sidhva (Madhya Pradesh): May I submit that the suggestion made by you, Sir, is certainly very satisfactory and the House will be pleased with that? I should make a suggestion that instead of the Member going to the Notice Office, not knowing whether the statements will be placed or not, will it not be possible for the Minister to hand them over to the Member say twenty minutes in advance of the question hour?

Mr. Speaker: I could not put that responsibility either on my office or on any of the Ministers. It is possible that the Member may not be there when an enquiry is made and there will be complaints later that such Statements were not available. In order to safeguard against any such complaints, I have made this arrangement and I have also suggested to the Office that they will tick off such of the questions in the question list in respect of which there are statements so that Members will know whether a Statement is put in or not. I think that should be satisfactory.

Shri Deshbandhu Gupta (Delhi): In view of the fact that this facility was available to the Press in the past, will you kindly, Sir, reconsider this decision?

Mr. Speaker: I don't think it could be acceded to.

Shri Kamath (Madhya Pradesh): May I take it that the copy of the statement supplied to the hon. Member concerned is not absolutely confidential so far at least as his colleagues in the House are concerned?

Mr. Speaker: I have said 'till after the question hour is over'.

ELECTIONS TO COMMITTEES

STANDING COMMITTEE FOR MINISTRY OF AGRICULTURE

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

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member to serve on the Standing Committee on subjects with which the Ministry of Agriculture is concerned, until the end of the current financial year *vice* Dr. Y. S. Parmar resigned."

Mr. Speaker: The question is:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member to serve on the Standing Committee on subjects with which the Ministry of Agriculture is concerned, until the end of the current financial year *vice* Dr. Y. S. Parmar resigned."

The motion was adopted.

STANDING COMMITTEE FOR MINISTRY OF COMMUNICATIONS

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha):

I beg to move:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member to serve on the Standing Committee on subjects with which the Ministry of Communications is concerned, until the end of the current financial year *vice* Shri Awadeshwar Prasad Sinha resigned."

Shri Gautam (Uttar Pradesh): It has become the order of the day that soon the Members on the Standing Committees are elected, one or other Member resigns. It takes some time of the House which means.....

Mr. Speaker: It takes more time of the House if the matter is discussed.

Shri Gautam: Sir, if you assure me that it will not recur again, I will resume my seat.

Mr. Speaker: Perhaps the hon. Member was absent the day before yesterday when I raised this question and a satisfactory explanation was given by the hon. Minister of State for Parliamentary Affairs.

The question is:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member to serve on the Standing Committee on subjects with which the Ministry of Communications is concerned, until the end of the current financial year *vice* Shri Awadeshwar Prasad Sinha resigned."

The motion was adopted.

STANDING COMMITTEE FOR MINISTRY OF REHABILITATION

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha):

I beg to move:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member to serve on the Standing Committee on subjects with which the Ministry of Rehabilitation is concerned, until the end of the current financial year *vice* Shri A. M. Rathnaswamy resigned."

Mr. Speaker: The question is:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member to serve on the Standing Committee on subjects with which the Ministry of Rehabilitation is concerned, until the end of the current financial year *vice* Shri A. M. Rathnaswamy resigned."

The motion was adopted.

STANDING COMMITTEE FOR MINISTRY OF WORKS, MINES AND POWER

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha):

I beg to move:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member to serve on the Standing Committee on subjects with which the Ministry of Works, Mines and Power is concerned, until the end of the current financial year *vice* Dr. Mono Mohan Das resigned."

Mr. Speaker: The question is:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member to serve on the Standing Committee on subjects with which the Ministry of Works, Mines and Power is concerned, until the end of the current financial year *vice* Dr. Mono Mohan Das resigned."

The motion was adopted.

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

	Date for nomination	Date for election
	14.4.50	17.4.50
1. Standing Committee for the Ministry of Agriculture.		
2. Standing Committee for the Ministry of Communications.		
3. Standing Committee for the Ministry of Rehabilitation.		
4. Standing Committee for the Ministry of Works, Mines and power.		

The nominations for filling up a vacancy in each of these Committees will be received in the Notice Office upto 5 P.M. on the date mentioned for the purpose. The elections, which will be conducted by means of the single transferable vote, will be held in the Assistant Secretary's Room (No. 21) in the Parliament House between the hours 10.30 A.M. and 1 P.M.

STANDING COMMITTEE FOR MINISTRY OF INFORMATION AND BROADCASTING

Mr. Speaker: I have also to inform the House that up to 12 NOON on Wednesday, the 12th April, 1950, the time fixed for receiving nominations for the purpose of election of one member to the Standing Committee for the Ministry of Information and Broadcasting in the vacancy caused by the resignation of Shri Himmat Singh K. Maheshwari only one nomination was received. As there is only one candidate for the vacancy, I declare Dr. M. V. Gangadhara Siva to be duly elected to the Committee.

Maulvi Wajed Ali (Assam): May I request you, Sir, to supply the Members with a copy of the list of Members of these Standing Committees after all these changes have been made?

Shrimati Durgabai (Madras): This is being supplied by the Party Office.

Mr. Speaker: I am told that this is being done.

ADMINISTRATION OF EVACUEE PROPERTY BILL—*contd.*

Mr. Speaker: The House will now proceed with the further consideration of the Bill to provide for the administration of evacuee property and for certain matters connected therewith.

Clauses 2 to 8 were disposed of. We will proceed with clause 9.

Clause 9

Clause 9 was added to the Bill.

Clause 10

(Powers and duties of the Custodian generally)

The Minister of State for Rehabilitation (Shri Mohan Lal Saksena): I beg to move:

In sub-clause (1), for "which has vested in him", substitute "and generally for the purpose of enabling him satisfactorily to discharge any of the duties imposed on him by or under this Act".

[Shri Mohan Lal Saksena]

The object of this amendment is to omit the words 'which has vested in him' because under certain conditions, enquiries have to be made in regard to property which has not become vested in the Custodian. Therefore, these words are omitted and in their place, the words that I have suggested are sought to be substituted.

Mr. Speaker: The question is:

In sub-clause (1), for "which has vested in him", substitute "and generally for the purpose of enabling him satisfactorily to discharge any of the duties imposed on him by or under this Act".

The motion was adopted.

Shri Mohan Lal Saksena: I beg to move:

For part (g) of sub-clause (2), substitute:

"(g) require any banking company to furnish such information as the Custodian may require with respect to remittances made after the 14th day of August, 1947, to any such area outside India as may be specified by the Custodian, either generally, or with reference to any person or class of persons;"

Certain objections were taken by banks when the Custodian ordered the giving of information. To make up that lacuna, this amendment is moved.

Mr. Speaker: The question is:

For part (g) of sub-clause (2), substitute:

"(g) require any banking company to furnish such information as the Custodian may require with respect to remittances made after the 14th day of August, 1947, to any such area outside India as may be specified by the Custodian, either generally, or with reference to any person or class of persons;"

The motion was adopted.

Sardar Hukam Singh (Punjab): I beg to move:

In part (g) of sub-clause (2), after "with respect to", insert "any account maintained, or with respect to".

The hon. Minister has moved an amendment; but I have not been able to convince myself whether the case which I want to include would be covered by that amendment or not. Remittances might be made, not directly from the account of the person himself, but a transfer might be made to another account and then remittances might be made out of that account. My object is that the Custodian should be in a position to get information about the whole account if he so wants, because, a transfer might have been made to any of his relatives and then a remittance might be made out of that.

Shri Mohan Lal Saksena: I do not think there is any necessity for this amendment. The amendment already accepted by the House provides for all such cases. Because, it says, "with reference to any person or class of persons". When there is a transfer from one account to another, it is open to the Custodian to chase up the remittances.

Mr. Speaker: Is the point clear to the hon. Member?

Sardar Hukam Singh: The hon. Minister thinks that it is covered. I am not sure. My object is to cover those cases also.

Mr. Speaker: I cannot express any opinion. *Prima facie* it appears that they will be covered. This clause relates to all remittances outside India.

Sardar Hukam Singh: This is confined to giving information as to remittances. Therefore, I felt doubtful.

Mr. Speaker: If he wishes, I may put it to the House.

Sardar Hukam Singh: I do not press, Sir.

Shri Mohan Lal Saksena: I beg to move:

In part (h) of sub-clause (2), omit "or authorise any other person to search".

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

I am moving this amendment for this reason now: It was the Custodian who had the power to make the search and he had to authorise the Assistant Custodian or the Deputy Custodian. As in a previous amendment "Custodian" has been defined to include Deputy Custodian or Assistant Custodian also, these words are now unnecessary.

Mr. Deputy-Speaker: The question is:

In part (h) of sub-clause (2) omit "or authorise any other person to search".

The motion was adopted.

Shri Kishorimohan Tripathi (Madhya Pradesh): I wanted to know from the hon. Minister whether it is not necessary to place the rules made under this clause before Parliament. If he is agreeable to this, I shall move the amendment.

Shri Mohan Lal Saksena: The rules are always published in the Gazette and it is open to any Member, if he so desires, to discuss them here, by means of a question.

Shri Kishorimohan Tripathi: Would it not be better to place the rules before Parliament?

Shri Mohan Lal Saksena: I think it will be a cumbersome thing. It would be much better to publish the rules in the Gazette and if any Member wants to raise a discussion, it can be done very easily.

Shri Kishorimohan Tripathi: I do not want to move my amendment.

Clause, as amended, was added to the Bill.

Clause 11

(Special provisions with respect to certain trust properties.)

Amendment made:

To sub-clause (1), add:

"Explanation.—In this sub-section 'property in trust for a public purpose of a religious or charitable nature' includes a public wakf and the expression 'trustee' includes a mutawalli of such wakf."

[*Shri Mohan Lal Saksena*]

Clause, as amended, was added to the Bill.

Clause 12

(Power to vary or cancel leases, etc.)

Shri Mohan Lal Saksena: I beg to move:

For sub-clause (1), substitute:

"(1) Notwithstanding anything contained in any other law for the time being in force, the Custodian may cancel any allotment or terminate any lease or amend the terms of any lease or agreement under which any evacuee property is held or occupied by a person, where such allotment, lease or agreement has been granted or entered into after the 14th day of August, 1947".

As was pointed out the other day by my friend Shri Deshbandhu Gupta the leases in certain cases which had been granted before the 14th August were cancelled by Custodians in certain Provinces. To remove that misunderstanding I have provided here that only leases which had been granted after the 14th August 1947, can be varied and not earlier leases or allotments.

Shri Hossain Imam (Bihar): Does it mean that the leases granted by the Custodian will be terminated or those granted by the evacuees?

Shri Mohan Lal Saksena: Leases by evacuees, not by the Custodian.

Mr. Deputy-Speaker: The question is:

For sub-clause (1), substitute :

“(1) Notwithstanding anything contained in any other law for the time being in force, the Custodian may cancel any allotment or terminate any lease or amend the terms of any lease or agreement under which any evacuee property is held or occupied by a person, where such allotment, lease or agreement has been granted or entered into after the 14th day of August, 1947.”

The motion was adopted.

Shri Deshbandhu Gupta (Delhi): In view of the statement made by the hon. Minister and the amendment that he has moved I do not propose to move my amendment.

Clause, as amended, was added to the Bill.

CLAUSES 13 TO 15

Clauses 13 to 15 were added to the Bill.

Clause 16

Sardar Hukam Singh: There is one amendment to clause 16 which I have given notice of this morning. If I am permitted I will move it.

Shri Mohan Lal Saksena: I do not accept it.

Mr. Deputy-Speaker: Besides there has not been sufficient notice also.

Clause was added to the Bill.

Clause 17

(Exemption from attachment, sale, etc.)

Amendment made :

In sub-clause (2), in line 7, for “within three months”, substitute “within six months”.

[*Shri Mohan Lal Saksena*]

Clause, as amended, was added to the Bill.

Clause 18

Clause, as amended, was added to the Bill.

Shri Mohan Lal Saksena: I beg to move:

- (i) For “right of occupancy in any land”, substitute “right of occupancy in any land or the site of any house or other building”.
- (ii) For “of any land”, substitute “of any land or the site of any house or other building”.

The words added are “right of occupancy in any land or the site of any house or other building”. This has been found necessary, because in urban areas there are many sites for houses or buildings and they should be included under this.

Mr. Deputy-Speaker: The question is:

- (i) For “right of occupancy in any land”, substitute “right of occupancy in any land or the site of any house or other building”.

- (ii) For “of any land”, substitute “of any land or the site of any house or other building”.

The motion was adopted.

Clause, as amended, was added to the Bill.

CLAUSES 19 TO 21

Clauses 19 to 21 were added to the Bill.

Clause 22

Shri Mohan Lal Saksena: Sir, I would suggest that clause 22 may be taken up after Lunch.

Mr. Deputy-Speaker: Clause 22 will stand over.

Clause 23

(Intending evacuee acquiring evacuee or abandoned property in Pakistan, etc.)

Amendment made:

In sub-clause (1), for "member of his family" substitute "other agency".

[*Shri Mohan Lal Saksena*]

Clause, as amended, was added to the Bill.

Clause 24

(Appeals from Orders under Sections 7, 16 etc.)

Sardar Hukam Singh: I beg to move:

Omit the proviso to sub-clause (1).

My submission is that this proviso seems to be a misfit because such a provision is not required. The ordinary appeal that we have provided for lies first to the Custodian, then to the Custodian-General and then there are other powers of revision as well. Under clause 2 the Custodian is competent to hear appeals; when the cases are decided under clause 2(d) (i) and (ii), there is no reason why he should not decide those under (iii). Therefore, to lay down that an additional appeal to the District Judge should lie before it is taken to the Custodian-General, would only prolong the proceedings and mean harassment and additional expenditure to the persons concerned. Ordinarily, when we are providing for a self-sufficient procedure, there is no need to have this provision at all. Therefore, this procedure of having an appeal to the District Judge should be omitted and provision made for direct appeal to the Custodian and Custodian-General and for the powers of revision. That would be in consonance with the provisions of this Bill.

Shri Mohan Lal Saksena: We have changed the whole scheme of appeals, and we have provided that whenever property is taken over, the order of the Deputy-Custodian is appealable only to the District Judge. It has been provided for deliberately and I am not prepared to consider this amendment at this late stage because that will upset the whole scheme of appeals.

Mr. Deputy-Speaker: The question is:

Omit the proviso to sub-clause (1).

The motion was negatived.

Clause was added to the Bill.

Clause 25

(Appeals from other orders)

Amendment made:

In part (a) of sub-clause (1), for "notifying", substitute "declaring".

[*Shri Mohan Lal Saksena*]

Shri Sonavane (Bombay): I have tabled my amendment for a specific purpose. Under clause 12 the Custodian has power to vary or cancel leases or allotment of evacuee property. But if anybody is aggrieved on the order of

[Shri Sonavane]

the Custodian, nowhere it is mentioned that such order could be varied or appealed against in higher quarters. If my amendment is accepted by the hon. Minister, a right of appeal against the order of the Custodian would be created. Therefore, I have tabled this amendment which reads:

"That after part (b) of sub-clause (1) of clause 25, the following new part be inserted:

'(c) under section 12 terminating a lease or amending the terms of a lease or agreement.'"

If the hon. Minister agrees to accept it, then I will move it.

Shri Mohan Lal Saksena: I regret I cannot accept it.

Shri Sonavane: Then I would not move it.

Clause, as amended, was added to the Bill.

Clause 26

(Powers of review or revision of Custodian, etc.)

Amendment made:

After sub-clause (2), add:

"(3) The Custodian, Additional Custodian or authorised Deputy Custodian may from time to time, on application made to him in this behalf, review any declaration made by him in relation to any intending evacuee:

Provided that no such application shall be entertained unless—

(a) where an appeal or any other proceeding in respect of such declaration is pending under this Act, six months have elapsed from the date of the decision in such appeal or other proceeding, or

(b) where no appeal has been preferred, six months have elapsed from the date on which the time prescribed for the filing of an appeal under this Act in respect of such declaration would have expired:

Provided further that every declaration made in review under this sub-section shall not take effect unless confirmed by the Custodian-General."

[Shri Mohan Lal Saksena]

Clause, as amended, was adopted.

Clause 27

(Powers of revision of Custodian-General)

Sardar Hukam Singh: I beg to move:

For existing clause substitute:

"27. *Powers of Revision of Custodian-General.*—(1) The Custodian-General may at any time, either on his own motion or on application made to him in this behalf, call for the record of any case disposed of on appeal by the District Judge or the Custodian, or of any case in which a non-appealable order has been made by any Custodian or Additional or Deputy or Assistant Custodian, for the purpose of satisfying himself as to the legality or the propriety of any such order and may pass such order in relation thereto as he deems fit:

Provided that the Custodian-General shall not pass an order to the prejudice of any person without giving such person reasonable opportunity of being heard.

(2) Where the Custodian-General is of the opinion that any case coming before him on appeal or revision involves any difficult question of law or fact which it is necessary to refer to the High Court for decision, he may by an order containing his own opinion on such question refer the same for decision to the High Court having jurisdiction in the Province or the State in which the property forming the subject matter of the dispute is situate.

(3) Any reference made under sub-section (2) shall be heard by a bench of the High Court consisting of not less than two Judges and the Custodian-General shall dispose of the appeal or the revision pending before him in accordance with the decision of the High Court on the question or questions referred."

The main difference is this. In the main Bill before us, Sub-clause (2) of clause 27 reads like this:

"Notwithstanding anything contained in sub-section (1), where in respect of any proceeding called for under sub-section (1), the Custodian-General is of opinion that the District Judge is in error in holding any person not to be an evacuee or any property not to be evacuee property, he shall not pass any order in relation thereto but shall refer the matter, with his own opinion thereon, to the High Court to which the District Judge is otherwise subordinate."

This sub-clause (2) places a clog on the authority of the Custodian-General. When an evacuee has been declared not to be an evacuee or the property has been held by the District Judge not to be evacuee property, then he cannot pass any order in revision but should necessarily forward the record to the High Court for revision. What I want to convey is this. When we are placing full faith in the Custodian-General and giving him ordinarily the powers of revision, —when we are keeping a man of the status of a Judge of the High Court in this position—we should not be suspicious as to how he would exercise his jurisdiction. We should give him full powers and even when the finding of the District Judge is that a person is not an evacuee or a property is not an evacuee property he should have full authority to decide that question, unless he himself is of the opinion that some question of fact or law is involved and that he should forward the case for the opinion of the High Court. This should not be made incumbent upon him, unless he himself thinks it proper that the question should be decided by the High Court. It is with this object that I have moved this amendment.

Shri Mohan Lal Saksena: I am afraid I cannot accept this amendment, but I want to clarify once and for all that this does not mean that there is any lack of confidence in the Custodian-General. On the other hand, we believe that sub-clause (2) will only make the position of the Custodian-General very clear. After all, it is not enough if justice is done, but the people should feel that justice is done. Since the Custodian-General is the head of the Organisation which is going to take over the property, we wanted that where the District Judge's orders are not correct, the Custodian-General may refer the matter to the High Court, and I have no doubt that the High Court will pass the necessary orders. I cannot accept this amendment.

Mr. Deputy-Speaker: So I need not put it to the House.

Sardar Hukam Singh indicated assent—

Shri J. R. Kapoor (Uttar Pradesh): I beg to move:

In sub-clause (1) omit 'in appeal under the provisions of this Chapter'.

The simple implication of this amendment is that it should be open to the Custodian-General to call for the record of any proceedings in which an order has been passed either by a District Judge or by a Custodian whether in appeal or otherwise. In fact, this amendment partly meets the views and wishes expressed by my hon. friend Sardar Hukam Singh.

Shri Mohan Lal Saksena: I accept this amendment.

Mr. Deputy-Speaker: The question is:

In sub-clause (1) omit 'in appeal under the provisions of this Chapter'.

The motion was adopted.

Clause, as amended, was added to the Bill.

Clauses 28 and 29

Clauses 28 and 29 were added to the Bill.

New Clause 29A

Shri Mohan Lal Saksena: I beg to move:

After clause 29, insert:

"29A. *Penalty for wrongfully paying or receiving rents, etc.*—Any person who pays to or receives from any other person any sum of money in respect of any property which he knows or has reason to believe to be evacuee property shall be punishable with imprisonment for a term which may extend to six months or with fine or with both:

Provided that nothing contained in this section shall apply to render punishable any payment made to or received by the custodian."

I am not moving the amendment which appears in the Consolidated List, because there were certain amendments to that amendment which I have incorporated in the one I have moved. I do not think, therefore, that there is any need for my hon. friends to move their amendments.

Mr. Deputy-Speaker: The question is:

After clause 29, insert:

"29A. *Penalty for wrongfully paying or receiving rents, etc.*—Any person who pays to or receives from any other person any sum of money in respect of any property which he knows or has reason to believe to be evacuee property shall be punishable with imprisonment for a term which may extend to six months or with fine or with both:

Provided that nothing contained in this section shall apply to render punishable any payment made to or received by the custodian."

The motion was adopted.

New clause 29A was added to the Bill.

Clauses 30 to 32

Clauses 30 to 32 were added to the Bill.

Clause 33

(Penalty for offences not expressly provided for)

Shri Mohan Lal Saksena: I beg to move:

For existing clause, substitute:

"33. *Penalty for offences not expressly provided for.*—Any person who contravenes any provision of this Act or of any rule or order made thereunder, or obstructs the lawful exercise of any power conferred by or under this Act, or makes default in complying with any requirement of this Act or of any rule or order made thereunder, shall, if no express provision is made by this Act for punishment of such contravention, obstruction or default, be punishable with imprisonment for a term which may extend to six months, or with fine or with both."

By this amendment, I only wish to add the words "or makes default in complying with any requirement of this Act or of any rule or order made thereunder." We had provided for all other acts excepting this default of an order passed by the Custodian and by this amendment we provide for that omission. I hope the House will accept it.

Mr. Deputy-Speaker: The question is:

For existing clause, substitute:

"33. *Penalty for offences not expressly provided for.*—Any person who contravenes any provision of this Act or of any rule or order made thereunder, or obstructs the lawful exercise of any power conferred by or under this Act, or makes default in complying with any requirement of this Act or of any rule or order made thereunder, shall, if no express provision is made by this Act for punishment of such contravention, obstruction or default, be punishable with imprisonment for a term which may extend to six months, or with fine or with both."

The motion was adopted.

Clause, as amended, was added to the Bill.

New Clause 33A

Shri Mohan Lal Saksena: I beg to move:

After clause 33, insert:

"33A. *Penalty for offences committed by companies.*—If the person charged with an offence under this Act is a company or other body corporate, the director, manager, secretary or other officer of the company or other body corporate directly concerned in the management thereof shall, unless he proves that the offence took place without his knowledge or that he exercised due diligence to prevent such contravention, be deemed to be guilty of such contravention."

In this clause I have provided for those cases which were brought to the notice of the House the other day. For instance a man directly concerned with the management of a firm may not be in India. Such cases have been provided for by this clause and I am sure the House will accept it.

Mr. Deputy-Speaker: The question is:

After clause 33, insert:

"33A. *Penalty for offences committed by companies.*—If the person charged with an offence under this Act is a company or other body corporate, the director, manager, secretary or other officer of the company or other body corporate directly concerned in the management thereof shall, unless he proves that the offence took place without his knowledge or that he exercised due diligence to prevent such contravention, be deemed to be guilty of such contravention."

The motion was adopted.

New clause 33A was added to the Bill.

Clause 34

(Penalty for abetment)

Amendment made:

For "Whoever" substitute "Any person who".

[**Shri Mohan Lal Saksena**]

Clause, as amended, was added to the Bill.

Clauses 35 to 37

Clauses 35 to 37 were added to the Bill.

Clause 38

(Restriction on transfer by evacuees)

Shri J. E. Kapoor: I beg to move:

In sub-clause (1), in line 4, after "evacuee" insert "or an intending evacuee".

Shri Mohan Lal Saksena: I accept this amendment.

Shri J. E. Kapoor: With your permission, Sir, and if it is acceptable to the hon. Minister, I wish to move a small amendment, notice of which I have given. It is this:

In sub-clause (1), for "any property" substitute "any immovable property".

I think that is really the intention of the hon. Minister and the word 'immovable' has only been left out by some oversight. I therefore feel that my amendment will be acceptable to the hon. Minister.

Shri Mohan Lal Saksena: I am afraid I cannot accept this amendment for the simple reason that although we are not taking action where it is movable property, there may be cases like a business concern which may be sold off. There may be goods in godowns worth lakhs and lakhs of rupees which may be sold off though they may be movable property. But I can assure the House that in small cases action is not usually taken, and instructions are issued that people are not unnecessarily harassed because of this provision.

Mr. Deputy-Speaker: Amendment moved:

In sub-clause (1), in line 4, after "evacuee" insert "or an intending evacuee".

Shri Hossain Imam: I have to submit that this amendment goes counter to the whole scheme of the Bill. The distinction made so far between an evacuee and an intending evacuee is that the actions of the latter before the '18th October 1949' are valid, and cannot be questioned. Now what we are intending to do by this amendment is to apply the provisions relating to the evacuees to intending evacuees. Sub-clause (d) of clause 2 specifies the different categories of evacuees. An 'intending evacuee' may be a person who has purchased property here. In that respect the penalty on an intending evacuee is far greater than the penalty on an evacuee. I would therefore request the hon. Minister to hold over this matter till after Lunch, so that we may sit round the table and clarify the position.

خواجہ عنایت اللہ : جہاں تک مہرا خیال ہے کہ کپور صاحب کا یہ مطلب ہے کہ انٹنڈنگ ایوکیوئی (Intending evacuee) لگانے سے وہ آدمی جس کو کہ آپ انٹنڈنگ ایوکیوئی ۱۹۴۸ء میں کہا ہے اور اگر کوئی جائیداد اس نے اس کے پہلے بیچی ہے تو وہ اس میں ایفیکٹڈ (effected) نہیں ہوگا مگر جب انٹنڈنگ ایوکیوئی (intending evacuee) ڈیکلر (declare) کر دیا جاتا ہے تو اس کے بعد اس کی حالت بالکل ایک ایوکیوئی (evacuee) کی سی ہو جاتی ہے اور پھر اس پر یہ پابندی عائد ہو جاتی ہے۔

(English translation of the above speech)

Khwaja Inait Ullah (Bihar): So far as I think, what my hon. friend Mr. Kapoor means is that by inserting the word "intending evacuee", a person whom you have declared as such in 1948, if he has sold any property before that, shall not be affected by it. But when once he is declared as an 'intending evacuee', he becomes an "evacuee" for all practical purposes and consequently this restriction is imposed on him.

श्री जे० आर० कपूर : क्या मैं अपने लायक दोस्त को बतला सकता हूँ कि मेरा अमेंडमेंट (amendment) लग जाने के बाद यह मतलब कभी नहीं होगा कि किसी आदमी को अपनी जायदाद बेचने में कोई दिक्कत या दुश्चारी होगी। मसलन् कोई भौ आदमी जो अपनी जायदाद बेच सकता है, बेच दे। छः महीने बाद इन्टेन्डिंग इवैक्वी (intending evacuee) अगर वह डिकलेयर हुआ तो जिसने जायदाद बेची उससे कुछ न कहा जायगा, उसके पास जो कुछ रुपया पहुंचेगा वह उसी के पास रहेगा, लेकिन जिसने खरीदी है, उसको मंजूरी लेनी पड़ेगी। कस्टोडियन (Custodian) को दिखलाना होगा कि दरअसल रुपया देकर यह जायदाद ली है, बिना रुपये दिये नहीं खरीदी है। जहां तक बेचने वाले का ताल्लुक है, उसके हक पर कोई असर नहीं पड़ता, वह जब चाहे बेचे, लेकिन खरीददार के ऊपर थोड़ी बहुत दिक्कत रहती है। लेकिन उसको दिखलाना होगा कि जब मैं ने खरीदी थी, तो उस वक्त मुझे इसका पता नहीं था कि बेचने वाला जाने वाला है। बेचने वाले का इसके ऊपर कोई असर नहीं पड़ता।

(English translation of the above speech)

Shri J. B. Kapoor: May I inform my hon. friend that after incorporating my amendment it would never mean that a person would be subjected to any hardship in selling his property. For example, anybody who desires to sell his property may do so. Even after six months if he is declared as an intending

evacuee, no action will be taken against the person who sold the property. The transferor will keep all the money with him which he realizes as a result of this transaction, but the transferee shall have to get the transaction confirmed. He shall have to prove before the Custodian that this property has in reality been purchased on cash payment and he has not acquired it without the payment of money. So far as the transferor is concerned, it does not affect his rights, he may sell whenever he likes; but it imposes some restrictions on the transferee and he shall have to prove that he did not know this at the time when the transaction took place that the transferor was an intending evacuee. This does not at all affect the transferor.

حوالہ عدلیت اللہ : یہ تو میرے خیال میں اور بھی ظلم ہو رہا ہے کہ جو بیچ کر روپیہ لے کر پاکستان چلا گیا وہ تو اپنا مزہ کرے اور جس غریب نے اس جائیداد کو لے لیا اور وہ یہاں ہی رہتا ہے اس پر آپ ایک اور مصیبت لگاتے ہیں۔ اس لئے کہ انٹلڈنگ ایویکیوی (Intending evacuee) کسی کے ماتھے پر نہیں لکھا ہے کہ فلا آدمی کل کو انٹلڈنگ ایویکیوی ہو جائے گا۔ اس لئے اگر کوئی ہندوستانی کوئی جائیداد خریدتا لیتا ہے اور وہ بیچنے والا روپیہ لیکر پاکستان چلا جاتا ہے یا اپنے کسی دوسرے فعل سے انٹلڈنگ ایویکیوی ہو جاتا ہے تو پھر اس غریب نے کہا تصور کیا تھا جس نے وہ جائیداد خریدی تھی۔ جس وقت اس نے اس شخص سے جائیداد خریدی تھی اس وقت وہ انٹلڈنگ ایویکیوی نہیں تھا۔ جس وقت وہ یہاں پر تھا اس وقت وہ بھی اوروں کی طرح ہندوستان کا ایک لائل (loyal) آدمی تھا اس لئے میں سمجھتا ہوں کہ اس کے ساتھ اتنا اور جوڑ دیا جائے۔ "after being declared an evacuee" اس کے بعد خریدنے والا واقعی تصور رہا ہے۔ کیونکہ اگر چور سے مال خریدنے تو پشک سزاوار ہیں کیونکہ چوری کا مال ہے۔ اگر یہ ثابت ہو جائے کہ وہ چور تھا یا شک بھی ہو جائے کہ وہ چور ہے اور پھر مال خریدنا جائے تو ضرور وہ شخص مجرم ہوگا۔ اس طرح انٹلڈنگ ایویکیوی دلائل (declare) ہونے کے بعد اگر کوئی آدمی کوئی جائیداد ایسے شخص سے خریدتا ہے تو بے شک اس پر قانون لاگو ہونا چاہئے کہ وہ کسٹومرز سے مشورہ لئے بغیر یہ خریداری نہ کرے۔ مگر اس کلاز کے ساتھ یہ جوڑے بغیر کل مسلمانوں نے کاروبار ختم ہو جائینگے۔ اس امدت کے منظور ہونے کے یہ معنی ہونگے کہ ہندوستان میں ایک بھی مسلمان اپنی جائیداد کا کوئی حصہ بھی نہ تو بیع کر سکیگا نہ مارٹگیج (mortgage) کر سکیگا اور نہ اپنے بزنس کو فائننس (finance) کرنے کے لئے اپنی جائیداد پر قرض لے سکیگا۔ ہر ایک مہاجن کو یہ خیال رہے گا کہ آج ہم اس شخص کو قرض دے رہے ہیں اور اس کے بعد اگر کل شاید اس کی نیت یہاں سے چلے جانے کی ہو جائے تو سارا سب روپیہ تڑپ جائیگا۔

تو آپ ایسا قانون ضرور بنائیے کہ جس سے اگر کوئی شخص یہاں سے جانے کی تہاری کر رہا ہو تو اپنی جائیداد نہ بیچ سکے لیکن جو یہاں موجود ہیں ان کا کاروبار بند کر دینا اور ان کی جائیداد پر ایسی پابندی لگا دینا کہ وہ اس میں صرف وہ سکتے

[خواجہ عنایت اللہ]

ہیں مگر نہ اس کو بیچ سکتے ہیں اور نہ مارٹگیز کر سکتے ہیں یہ مہری سمجھ میں بہت زیادتی ہوگی - ہاں اگر آپ یہ کہہ دیں کہ "after being declared an evacuee" تب بت اور ہے - تب تو ہم جانتے ہیں یا ہم کو جاننا چاہئے کہ وہ انتقدنگ ایوکیوی (intending evacuee) ہے - ہم اس سے نہ خریدیں گے -

श्री जे० आर० कपूर : इवैक्यूई के मानी यही हैं, जब कि वह डिक्लेयर हो जाय ।

خواجہ عنایت اللہ : نہیں یہ معنی ان لفظوں سے صاف نہیں ہوتے اگر یہی معنی ہیں تو پھر یہ بڑھا دیجئے "after being declared" پھر ہمیں کوئی عذر نہیں ہے -

श्री जे० आर० कपूर : मानी तो यही हैं ।

خواجہ عنایت اللہ - تو پھر آپ مہرے یہ الفاظ اس میں بڑھا دیجئے اور تب ہمیں کوئی عذر اس میں نہیں ہے -

(English translation of the above speech)

Khwaja Inait Ullah: Moreover, to my mind it is nothing short of an injustice that he who has taken away the sale proceeds to Pakistan should enjoy, while you are imposing one more hardship on the poor man who has purchased this property and is residing here, because nobody is carrying on the label of being an intending evacuee from which it could be known that a certain person would become as such the following day. Therefore, if any Indian national purchases any property and the transferor migrates to Pakistan and takes away along with him the sale proceeds thereof or becomes an intending evacuee as a result of any of his other actions, then what was the fault of the poor person who had purchased that property? When he purchased the property from that person he had not become an intending evacuee by that time and while living here, he too remained like others a loyal subject of India. Therefore, I think that these words should be further added to it, namely "after being declared an evacuee". After this is done, the transferee is certainly to be blamed because if you purchase the goods from a thief, you are undoubtedly guilty since that is stolen property. If it is proved that he was a thief or even if it is suspected that he is a thief and if in spite of all this the articles are purchased, the purchaser shall certainly be liable to conviction. Similarly, if after being declared as an intending evacuee, any person purchases any property from any such person, this law should invariably be made applicable in his case so that he should not purchase it without obtaining the Custodian's approval. But in the absence of these words being added to this clause, the business of the entire Muslim community will come to a standstill. The acceptance of this amendment would mean that not a single Muslim in India shall either be able to sell or mortgage any portion of his property or borrow money with the object of financing his business after pledging his property. Every money-lender shall have this impression that the person whom he is lending money today might make up his mind the next day to migrate from this place and thus all his money would be lost.

You must, therefore, enact such legislation which should prohibit a person who is intending to leave this place from selling his property. But according to my mind, it would tantamount to great hardship to stop the business of those who are living here and to impose such a ban on their property that they can only preserve it but can neither make any transfer of it nor mortgage it. Of course, if you add this "after being declared an evacuee", that would be another thing. In that case we will know or we ought to know that he is an intending evacuee. We shall not purchase it from him.

Shri J. E. Kapoor: "Evacuee" means when he is declared as such.

Khwaja Inait Ullah: No, these words do not explicitly convey the sense. If this is the meaning, the words "after being declared" should then be added. In that case I have no objection.

Shri J. E. Kapoor: This is what it means.

Khwaja Inait Ullah: Then, you may please add in it the words suggested by me and I shall not have any objection to it.

Shri Mohan Lal Saksena: The position is this. It is undoubtedly a hard clause. When a person purchases property from a Muslim and two years later that Muslim becomes an evacuee, then this transaction has to be confirmed by the Custodian. This was provided because there have been cases and the complaint was made the other day that persons from Shahjahanpur were going away and selling their property for a song. Therefore, we thought the Custodian could intervene at a later stage and we provided that the Custodian must confirm such transactions. If he becomes an evacuee it is not confirmed. In the case of an ordinary Muslim, if he does not become an evacuee it is confirmed. They purchase some property in Pakistan without knowing the consequences of that, without realizing that they would become evacuees. Therefore we allowed them to come in this category. But if a person has purchased property from a Muslim and suppose that Muslim was intending to go and now he does not go, but if the intention to go is established, where he has under-sold his property we can take account of this property. It won't go back to him. But we want to get it in the pool of the evacuee property. However, I can hold this over till after Lunch and I can explain the position to hon. Members. But the provision is for this reason, namely, that if a person purchases property from a Muslim and two years hence that Muslim is declared an evacuee, it is hard. We simply want a right to confirm, to see whether the transaction was a *bona fide* transaction or a *binami* transaction and whether it was for adequate consideration.

Mr. Deputy-Speaker: So, this will be taken up after Lunch.

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

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

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

Mr. Deputy-Speaker: We were on amendment No. 209. Has any agreement been arrived at?

Shri J. E. Kapoor: A doubt was expressed by my hon. friend, Mr. Inait Ullah who wanted that doubt to be cleared before he can find his way to accept the amendment. There is no ground for that doubt, however. He feels that it is not clear as to whether a person can be called an intending evacuee after his being declared as such. Under the provisions of this Bill, it is absolutely clear that nobody can be called an intending evacuee unless and until an enquiry into that has been made and he has been notified and declared as such. There is absolutely no doubt about that. I hope the hon. Minister will be able to give that assurance to my hon. friend, Mr. Inait Ullah and thereafter, of course, there will be no difference of opinion.

Khwaja Inait Ullah: I only want this assurance that Muslims who are living in India can sell their property until and unless they are declared an evacuee or an intending evacuee.

Shri Mohan Lal Saksena: I am prepared to give that assurance. If the hon. Member has any doubt and he does not want the words "an intending evacuee", I can say "of any person whose property is declared as evacuee property later on".

Shri Hossain Imam: The property of an evacuee can be questioned even if it has been sold before he is declared an evacuee.

Shri Mohan Lal Saksena: It cannot.

Shri Hossain Imam: The question is whether a person, who has not been declared an evacuee, can do things before that. What would be the position? This is the fundamental difference between the sales of an evacuee property and that of an intending evacuee property. The sale made by a person before he is declared to be an evacuee can also be called in question, but in the case of an intending evacuee, as the Bill was drafted, there was no question in the whole of the Bill that his transactions prior to the Ordinance would be subjected to confirmation. This fundamental difference which existed in the law he had framed and as it is going to be amended is so marked, that I do not think we can reconcile the two positions. If the hon. Member could see his way to withdraw his amendment, I am sure that will improve the position a little but no amount of explanation can change this fundamental difference and if the fundamental difference is removed, there is no need for having the words "an intending evacuee". It will be much better if in clause 2 the qualification under Sub-clause (e) is also added after d(iii) and thus making it into one Sub-clause.

Shri Mohan Lal Saksena: I made it quite clear that this was more in the interests of persons who disposed of property because of fear or apprehension that they would be declared as "intending evacuees". Supposing the Custodian refuses to confirm this transfer, what will happen? The property will not come into the hands of the Custodian but it will be only if he refuses to confirm it; that means the ownership continues in the 'intending evacuee'. If the transaction has been a *bona fide* one, there will be no difficulty about it, but if it is a *mala fide* transaction then he cannot allow the person to have advantage of it. Only the property of an intending evacuee is declared an evacuee property later on as is visualized under clause 20. This property will be affected then only; otherwise not. Therefore, I am prepared to accept the suggestion. He has objection only to have the words "intending evacuee" here. We may say "the property of an evacuee" because if a person so sells his property, he is not an evacuee then. After having sold, when he leaves India, he becomes an evacuee and then his transaction is required to be confirmed by the Custodian. Similarly if there is a person who is not an intending evacuee, when he sells his property later on he becomes an intending evacuee. So long as he continues there will be no difficulty because that property will be under his management. But if it is *mala fide* transaction, then his property is declared to be an evacuee property under certain conditions and to which my hon. friend has agreed. In that case, it will be open to the Custodian to get hold of this property which has been transferred *mala fide*. If it is *bona fide*, there will be no difficulty. But if it is a *mala fide* transaction then in that case, I think my hon. friend, Mr. Hossain Imam will not object to this property being brought to the pool of evacuee property along with the other property of this person. If my hon. friend objects to the words "or an intending evacuee". I can leave it out altogether and say "that a person whose property is declared evacuee property later on."

Shri Hossain Imam: That is all right.

Shri Mohan Lal Saksena: With your permission, Sir, I will move an amendment to this effect later on.

Mr. Deputy-Speaker: So then this will stand over. We shall pass on to clause 39.

Shri Kishorimohan Tripathi: I want to know whether he wants both these conditions to be fulfilled in rejecting the application or not. Supposing a transaction is made for valuable consideration but not in good faith, what happens? I do not want to move the amendment but I want to know the position from the Minister.

Shri Mohan Lal Saksena: If it is for valuable consideration, it is in good faith. They both go together.

Shri J. R. Kapoor: I have given an amendment to insert new clause 38A. While not pressing it, I only want to draw the attention of the hon. Minister if he finds it acceptable, it can be taken up.

Shri Mohan Lal Saksena: I am not going to accept it.

Shri J. R. Kapoor: Then I do not press it.

Clause 39

Clause 39 was added to the Bill.

New Clause 39A

Shri Mohan Lal Saksena: I beg to move:

After clause 39, insert:

"39A. *Submission of information to Custodian in respect of evacuee property.*—As soon as may be but not later than thirty days from the commencement of this Act, every person who is occupying, supervising or managing any property without the approval of the Custodian which he knows or has reason to believe to be evacuee property, shall submit to the Custodian or to any person authorised by him in this behalf full information relating to such property, including the date from which or the period during which he has been occupying, supervising or managing it, and a detailed account of the rents, profits, income or other benefits received from the said property from the date from which or for the period during which he has been occupying, supervising or managing it."

Khawaja Inait Ullah: I would like to remind the Minister that in the amendment he mentions 'thirty days'. By amendment No. 214 we have accepted it as 'sixty days'. This change may be incorporated in the present amendment in the number of days.

Shri Mohan Lal Saksena: I accept the amendment.

Mr. Deputy-Speaker: The question is:

After clause 39, insert:

"39A. *Submission of information to Custodian in respect of evacuee property.*—As soon as may be but not later than sixty days from the commencement of this Act, every person who is occupying, supervising or managing any property without the approval of the Custodian which he knows or has reason to believe to be evacuee property, shall submit to the Custodian or to any person authorised by him in this behalf full information relating to such property, including the date from which or the period during which he has been occupying, supervising or managing it, and a detailed account of the rents, profits, income or other benefits received from the said property from the date from which or for the period during which he has been occupying, supervising or managing it."

The motion was adopted.

New clause 39A was added to the Bill.

Clause 40.*(Custodian's right to take possession, etc.)**Amendment made:*

For existing clause substitute:

"40. *Vesting of property in Custodian not affected by death of evacuee, etc.*—Where in pursuance of the provisions of this Act any property has vested in the Custodian, neither the death of the evacuee at any time thereafter nor the fact that the evacuee who had a right or interest in that property had ceased to be an evacuee at any material time shall affect the vesting or render invalid anything done in consequence thereof."

*[Shri Mohan Lal Saksena]**Clause, as amended, was added to the Bill.***Clauses 41 and 42***Clauses 41 and 42 were added to the Bill.***Clause 43***(Jurisdiction of Civil Courts barred in certain matters).***Shri Mohan Lal Saksena:** I beg to move:

Omit "(1)".

Mr. Deputy-Speaker: The other one also may be moved.**Shri Mohan Lal Saksena:** I beg to move:

For "civil court" substitute "civil or revenue court".

As there was ambiguity whether it applied only in regard to civil courts and not in regard to revenue courts, it is sought to be clarified.

Mr. Deputy-Speaker: Amendments moved:

(i) Omit "(1)".

(ii) For "civil Court" substitute "civil or revenue court".

Shri Hossain Imam: I should like the hon. Minister to enlighten us on one aspect, whether this provision in item (a), that no court shall have jurisdiction to entertain or adjudicate upon any question whether an evacuee has or has not any right or interest in any evacuee property, affects the rights of others. I should like to know why this provision is being enacted. What we are trying to protect is evacuee property. If other people claim a right in the property under some transaction that had taken place otherwise than by sale before 14th August, 1947, we should clarify their position. We have already stated that sales will not be confirmed unless confirmed by the Custodian. If there is a genuine quarrel between two parties whether the property belongs to him or to another person, why should that question be taken out of the jurisdiction of the courts? I am not able to understand this. I want enlightenment on this point.

Shri Mohan Lal Saksena: If there is any dispute regarding right, they could go to the civil court. Here, the Custodian gets all the rights of the evacuee. If there is any suit in the civil court between two other persons that could be settled there. Suppose a property is allotted to one person, and then he takes the question to the civil court; there will be no end to this litigation. Therefore, we have said that where it relates to allotment or management and all that, these suits should not be taken cognisance of by the civil or revenue courts.

Shri Hossain Imam: It does not refer to allotment. If you read the clause, you will see that the jurisdiction of the civil court is barred in certain matters.

It affects the rights as between two citizens of India. As far as the evacuee is concerned, you can step into his shoes and you could be made a party. But, you cannot bar the rights of other persons in a property at the time when you declare it is evacuee property. I have a genuine doubt about this. For instance if I have claims on this property created otherwise than by sale (as far as sales are concerned, you are protected). What would be my remedy. If a person takes a sale from an evacuee, he will have no *locus standi* to bring a suit in a civil court. If there is an old quarrel whether the property vests in the evacuee or in some other person, if there are already proceedings pending in a civil court, all this would be barred by this provision. Probably, the matter has not been considered in this aspect.

Shri J. E. Kapoor: There is one point that strikes me. The doubt expressed by my hon. friend Shri Hossain Imam has to be clarified. As I understand clause (a), all that it means is that civil courts have no jurisdiction to entertain or adjudicate upon any question whether any property is or is not evacuee property, firstly; secondly, whether an evacuee has or has not any right or interest in any evacuee property. The third thing is whether it will thereafter be open or not open to the civil court to adjudicate on the question whether a third person has positively any interest in the property. This clause as it is worded, of course, does not shut out from the jurisdiction of the court adjudication of the question of the positive right of a third person in that property. But, I think it should be made clear. The hon. Minister has stated that it is not his intention to bar this; nor is that the intention of the legislature. If any doubt like that can arise, this sub-clause has to be amended. I think perhaps there might be no occasion for that doubt because adjudication on the positive right of a person in any property has not been shut out from the jurisdiction of a court.

Shri Hossain Imam: By means of the second part?

Shri J. E. Kapoor: An eminent lawyer, as you, Sir, are, you might apply your mind and see whether there is any foundation for the doubt raised by Mr. Hossain Imam.

Maulvi Wajed Ali (Assam): I submit that there should be an explanation added to this clause, to say that nothing in this clause will bar the jurisdiction of the civil court in adjudicating upon any matters other than those mentioned in sub-clauses (a) and (b).

Mr. Deputy-Speaker: Under section 9 of the Civil Procedure Code, a civil court has jurisdiction over all matters of a civil nature. It is only in exceptional cases that the jurisdiction is avoided. Except in such matters, specially excepted, a civil court has jurisdiction over all matters. I am not able to appreciate the objection. However, I would like the hon. Minister to explain.

Shri Hyder Hussein (Uttar Pradesh): As you have been pleased to say, Sir, the jurisdiction of the civil court is a residuary jurisdiction.

Mr. Deputy-Speaker: Primary jurisdiction.

Shri Hyder Hussein: The residuary jurisdiction is to entertain all kinds of suits except in so far as they are barred by any particular legislation. As I read clause 43 (a), it bars only questions as to whether any property is or is not evacuee property or whether an evacuee has or has not any right or interest in any evacuee property. I do not think that on this clause as it stands, the jurisdiction of the civil court is barred in matters of succession or inheritance. I do not think that it is possible to construe or extend this in such a manner as to affect third parties.

Shri J. E. Kapoor: Are not the two questions related?

Shri Hossain Imam: As far as the first item is concerned, whether any property is or is not evacuee property, there is no doubt. That is necessary. The controversy is about the question whether an evacuee has or has not any right or interest in any property. That is, about a person whom you have not declared an evacuee, why should we, by this legislation, take away the right? Why should we take away the rights of those who are not evacuees?

Mr. Deputy-Speaker: Unless he is an evacuee, there is no question of property being taken by a Custodian.

Shri Hossain Imam: I will give an instance. A person has purchased a property *benami* in the name of another person. If the *benamidar* becomes an evacuee, the question is whether that property becomes evacuee property. I have a perfectly genuine instance which you can decide here and now. What is the intention of the legislature? I simply want that the intention of the legislature should be clarified. We should know what the position is.

Pandit Kunzru (Uttar Pradesh): I think clause 43 is similar to a clause in the Pakistan Ordinance of October, 15, 1949 regarding the administration of evacuee property. But, in that Ordinance no such right of appeal has been given as has been provided in clause 25 of this Bill. Hence the confusion of which my friend Mr. Hossain Imam has complained. Government have provided an appeal to the District Judge in certain cases. But, at the same time, they have not altered the language of clause 43 which has been virtually taken from the Pakistan Ordinance to which I have referred.

Mr. Deputy-Speaker: Is it not provided in this clause, "Save as otherwise expressly provided in this Act"? It is otherwise provided in clause 25. Therefore, it is excepted. Though the District Court is a civil court, yet, barring the right of appeal to the District Judge, in other respects, the civil court ceases to have jurisdiction under clause 43.

Pandit Kunzru: The hon. Minister has to say whether these words are sufficient to answer the objection that has been raised and I shall be satisfied but so long as he is unable to make up his mind on the point we cannot certainly be asked to be content with the words that you have pointed out.

Mr. Deputy-Speaker: The words are sufficiently clear.

Shri Mohan Lal Saksena: Up till now the Ordinance on Evacuee Property has been working well and there has not been any difficulty, because we have barred the jurisdiction of civil courts in respect of the matters provided for under (a), (b), (c) and (d). The only difficulty was that the revenue courts said that because they had not been precluded specifically difficulty arose. For instance there was the question relating to mutation proceedings. For instance a Custodian may take charge of a property the owner of which may refuse to comply. Whether a person is an evacuee or not in regard to that property is a matter which no civil court or other court can take cognisance of. It is definitely provided under (a) and (b):

"to entertain or adjudicate upon any question whether any property is or is not evacuee property or whether an evacuee has or has not any right or interest in any evacuee property; to entertain or adjudicate upon any question whether any person is or is not an intending evacuee."

As to whether a person is or is not an intending evacuee he may go to a civil court and file a declaratory suit saying that he is not an intending evacuee but that cannot be taken cognisance of by a civil court.

Parts (c) and (d) provide:

"to question the legality of any action taken by the Custodian-General or the Custodian under this Act; or

in respect of any matter which the Custodian-General or the Custodian is empowered by or under this Act to determine."

The matters are specifically defined and if there is anything which falls outside these specific provisions it can be taken to a revenue or civil court. So far as these particular matters are concerned the jurisdiction of the civil and revenue courts is barred.

The Minister of Transport and Railways (Shri Gopalswami): May I make a suggestion? I believe the real dispute about sub-clause (a) of clause 43 is about the latter part. That tries to reproduce here only the words that you find in clause 2(f), which says:

"'evacuee property' means any property in which an evacuee has any right or interest... and includes any property..."

If you alter the sub-clause (a) to read as follows:

"Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction—

(a) to entertain or adjudicate upon any question whether any property or any right to or interest in any property is or is not evacuee property."

that should suffice and the rest of it may be omitted. If you would permit that amendment that should solve the riddle.

Pandit Kunzru: According to the definition, "evacuee property" means any property in which an evacuee has any right or interest.

Shri Gopalswami: I would like that language to be reproduced here in order to avoid the confusion. Property is separately mentioned here. Retain the word 'property'.....

Mr. Deputy-Speaker: I would suggest that the hon. Minister should formally move the amendment.

Shri Gopalswami: Yes, Sir. I beg to move:

In part (a), for "is or is not evacuee property or whether an evacuee has or has not any right or interest in any evacuee property", substitute "or any right to, or interest in, any property is or is not evacuee property."

Pandit Thakur Das Bhargava (Punjab): So far as clause 43 is concerned the point raised by Mr. Hossain Imam seems to have some substance. If a third person's rights are involved and the man maintains that a particular property is his own and not evacuee property the proper forum is the civil court according to section 9 of the Civil Procedure Code. Clause 43 can be divided into two parts. In regard to certain matters which are specified under (a), (b), (c) and (d) no civil court or any other court will have jurisdiction over the findings of the Custodian. Clause 7(1) says:

"Where the Custodian is of opinion that any property is evacuee property within the meaning of this Act, he may, after causing notice thereof to be given in such manner as may be prescribed to the persons interested, and after holding such inquiry into the matter as the circumstances of the case permit, pass an order declaring any such property to be evacuee property."

So that when the Custodian feels that any property is evacuee property he gives notice that a particular property is evacuee property. Then he makes enquiries into the matter and comes to a final decision. Ordinarily if a person is aggrieved by such an order he has a right to go to a civil court. But here the orders of the Custodian-General is final. All the clauses in this Bill are in the nature of a judicial pronouncement on those rights; otherwise there will be so much litigation and we do not want that there should be litigation. Government has decided that in regard to this matter the final word will not rest with the civil court but with the Custodian. Judging from this point of view I do not feel any difficulty. We have decided that in this matter there

[Pandit Thakur Das Bhargava]

will be a summary decision. After all there should be some finality somewhere. Clause 43 is in my opinion quite good. The decision of the Custodian may be ultimately for the benefit of those who will be benefited by some properties becoming evacuee property and I understand that the whole benefit is likely to go to those who are comparatively weaker in society.

Pandit Kunzru: The amendment moved by my hon. friend Mr. Gopalaswami Ayyangar does not seem to me to be useful. Either the two words mentioned by you, Sir, are enough or some other words should be provided to remove the apprehensions expressed. Mr. Gopalaswami Ayyangar's amendment will not be enough for the purpose.

Mr. Deputy-Speaker: There are two objections raised. One raised was as to whether barring of jurisdiction under clause 43 militates against clause 25 which provides an appeal to a district judge. A district court is also a civil court. In answer, it was pointed out that sub-clause (1) says:

"Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction."

Mr. Hossain Imam raised the point that the latter part of sub-clause (a) might prejudice the interest of third parties. To avoid any such misunderstanding and possibility of litigation Mr. Gopalaswami Ayyangar has moved this amendment. These are two distinct matters. Now all doubts have been resolved and I shall put the amendment of Mr. Gopalaswami Ayyangar to vote.

Shri A. P. Jain (Uttar Pradesh): As Pandit Thakur Das Bhargava pointed out, clause 7 provides for *judgment in rem*. Will it not be binding on everybody concerned?

Mr. Deputy-Speaker: The hon. Member, Mr. Hossain Imam, is satisfied with the amendment proposed. And I don't find any difference in substance between the amendment and the original as it is in part (a). It is also in accordance with the definition given in clause 2(f). Now I will put the amendments to vote.

The question is:

Omit "(1)".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

For "civil Court" substitute "civil or revenue court"

The motion was adopted.

Mr. Deputy-Speaker: Now I will put Mr. Gopalaswami's amendment to vote.

The question is:

In part (a) for "is or is not evacuee property or whether an evacuee has or has not any right or interest in any evacuee property", substitute "or any right to, or interest in, any property is or is not evacuee property".

The motion was adopted.

Clause, as amended, was added to the Bill.

Clause 44

(Protection of action taken in good faith)

Amendment made:

In sub-clause (2), for "Central Government, the Provincial Government," substitute "Government".

[Shri Mohan Lal Saksena]

Clause, as amended, was added to the Bill.

Clauses 45 to 48

Clauses 45 to 48 were added to the Bill.

Clause 49

(Power to exempt)

Sardar Hukam Singh: I want to speak on clause 49. I fail to understand why Government has acquired here certain powers to exempt certain persons or class of persons, if they so desire. When the Bill has been placed before this sovereign body and we have passed every clause of it, why should Government require further powers? It could have been understood if it were an Ordinance; there might be doubts then as to whether it would work or not. But we have taken every safeguard to see that no hardship is caused or injustice done. We have made the Bill so soft and mild. Why should Government require these powers to exempt certain persons or class of persons from this Bill? I think that would rather promote certain abuses. Persons who have lost all hopes with the Custodian might come up to the Government and there would be chances of patronage because the power of Central Government would be exercised by certain officers. There are dangers, therefore, of its abuse. I strongly protest against the inclusion of this clause and I suggest that it should not be there. When we have passed a comprehensive Bill, nobody should be left above the law. It is an anomaly to include this clause in the Bill.

Shri Mohan Lal Saksena: I think the House knows very well why this provision is made. There are cases of exemption. For instance, the personal bank accounts of evacuees were exempted. That was the only exemption made. The situation is changing and an occasion might arise when it is necessary to exempt a particular class of persons. Therefore, this power has to be given to Government. If the hon. Member has no confidence in Government, that is a different thing; but I hope the whole House has. So far he has not been able to point out a single case where this power has been abused. Therefore, I think this objection should not be heeded to.

Shri Hossain Imam: May I also add a word? The hon. Minister announced on the 12th, three classes of persons who are going to be exempted, and the justification of it was accepted by the House. They were: those who have returned on permanent permits, those who have been visiting Pakistan on temporary permits and have come within the time specified, and those who give proof that they came before the imposition of the permit system. Besides these, there is another class to be added in the list of exemptions under the agreement entered into on the 8th of this month: evacuees from Bihar who have gone to East Pakistan are to be exempted from the operation of this Act. That class of exemption has not been included in the body of the Bill. Probably it is the intention of Government to implement it through clause 49. So, the implementation of the agreement of the two Prime Ministers requires that this provision should exist.

Clause was added to the Bill.

Clauses 50 and 51.

Clauses 50 and 51 were added to the Bill.

Clause 52

(Delegation of Powers)

Amendment made:

After sub-clause (2), insert:

"(3) Subject to the provisions of this Act and of the rules and orders made there under the Custodian-General may delegate all or any of his powers under this Act to any Deputy or Assistant Custodian-General."

And remember the subsequent sub-clause,

[*Shri Mohan Lal Saksena*]

Clause, as amended, was added to the Bill.

Clause 53*(Power to make rules)**Amendment made:*

In part (a) of sub-clause (2), omit "and other officers appointed by him in the discharge of his duties".

[Shri Mohan Lal Saksena]

Shri Mohan Lal Saksena: I beg to move:

After part (d) of sub-clause (2), insert:

"(dd) the manner in which any person claiming any right to, or interest in, any property which has been notified as evacuee property may have his claim registered and disposed of;"

Shri Hossain Imam: Would it not affect the third party?

Mr. Deputy-Speaker: It would not affect. It gives the right to the third party to come and present their claims to the Custodian-General. This only prescribes the mode. It does not bar. It has nothing to do with civil jurisdiction at all.

The question is:

: After part (d) of sub-clause (2), insert:

"(dd) the manner in which any person claiming any right to, or interest in, any property which has been notified as evacuee property may have his claim registered and disposed of;"

*The motion was adopted.**Clause, as amended, was added to the Bill.***Clause 54***(Temporary amendment of Section 54 of the Indian Income-tax Act, 1922)**Amendment made:*

In the proposed clause (p) of sub-section (3) of Section 54 of the Indian Income-Tax Act, 1922, for "1949" substitute "1950."

[Shri Mohan Lal Saksena]

*Clause, as amended, was added to the Bill.***Clause 55***Clause 55 was added to the Bill.***Clause 22***(Effect of intending evacuee contravening any provision, etc.)***Mr. Deputy-Speaker:** Only clauses 22 and 38 are left over.

Shri Mohan Lal Saksena: I shall begin from clause 22. I am omitting part (ii) of the Explanation, and the existing part (iii) will accordingly be re-numbered as (ii). I beg to move:

For existing clause, substitute:

"22. Declaration of property of intending evacuee as evacuee property in certain cases.—If the Custodian is satisfied—

- (a) that any person in respect of whom a declaration has been made under section 19 that he is an intending evacuee, has made a transfer of any property in contravention of section 20, or has failed to comply with any order made under clause (c) or clause (d) of section 21; or
- (b) after such enquiry as may be prescribed, that the circumstances relating to any person in respect of whom a declaration has been so made on the ground that after the 14th day of August, 1947, and before the 18th day of October, 1948, he had done any of the acts specified in sub-clauses (i) to (iii) of clause (e) of section 2 are such as may be prescribed as constituting a preparation for his migrating to Pakistan;

the Custodian may declare any property situated in the State in which such person has any right or interest, to be evacuee property and on the issue of such notification any property specified in the notification shall be deemed to be evacuee property which has vested in the Custodian with the meaning of this Act.

Explanation.—The following shall be deemed to be some of the circumstances prescribed under clause (b), namely—

- (i) the transfer to Pakistan by any person referred to in that clause of a substantial portion of his assets situated in any part of the territories to which this Act extends, or
- (ii) the acquisition of, or the declaration of an intention to acquire, Pakistan nationality by any such person."

Mr. Deputy-Speaker: Amendment moved:

For existing clause, substitute:

"22. *Declaration of property of intending evacuee as evacuee property in certain cases.*—If the Custodian is satisfied—

- (a) that any person in respect of whom a declaration has been made under section 19 that he is an intending evacuee, has made a transfer of any property in contravention of section 20, or has failed to comply with any order made under clause (c) or clause (d) of section 21; or
- (b) after such enquiry as may be prescribed, that the circumstances relating to any person in respect of whom a declaration has been so made on the ground that after the 14th day of August, 1947, and before the 18th day of October, 1949, he had done any of the acts specified in sub-clauses (i) to (iii) of clause (e) of section 2 are such as may be prescribed as constituting a preparation for his migrating to Pakistan;

the Custodian may declare any property situated in the State in which such person has any right or interest, to be evacuee property and on the issue of such notification any property specified in the notification shall be deemed to be evacuee property which has vested in the Custodian within the meaning of this Act.

Explanation.—The following shall be deemed to be some of the circumstances prescribed under clause (b), namely—

- (i) the transfer to Pakistan by any person referred to in that clause of a substantial portion of his assets situated in any part of the territories to which this Act extends, or
- (ii) the acquisition of, or the declaration of an intention to acquire, Pakistan nationality by any such person."

Shri Hossain Imam: I have some grave doubts and I should like the hon. Minister to enlighten us upon this subject. The difference between evacuee property and the property of an intending evacuee is fundamental, because we have made persons evacuees, the vast majority of whom have ceased to be Indian citizens. As the word "evacuee" implies, it is meant to apply only to those persons who have left India.

Pandit Thakur Das Bhargava: It is not so in the Pakistan Ordinance.

Shri Hossain Imam: It is not the subject of Pakistan Ordinance I am concerned with. I am not concerned with the Pakistan Government either. I am speaking about the Dominion of India and its Constitution.

Shri Raj Bahadur (Rajasthan): India is no more a Dominion.

Shri Hossain Imam: All right, Republic of India, but I find our Constitution contains the word "Dominion".

Living in the Dominion of India and with all the Fundamental Rights that have been granted to us, I find it rather difficult to reconcile myself to the position which has been taken by Government in connection with the 'intending evacuee'. As I was pointing out, the vast majority of persons whose property has become evacuee property are those who have ceased to be Indian citizens, or who were never Indian citizens,—I refer to sub-clauses (d) (i) and (d) (ii) of clause 2. A small section of people who are covered by (d) (iii) are considered to be such heinous offenders that it is considered right and

[Shri Hossain Imam]

proper to penalise them for the action which they have taken. Actions which were never sanctioned by the Government of India, rather which were condemned by them. We have made a provision that those who have made valid purchases, or exchanged property with the evacuees, are not covered by (d) (iii), only if they have acquired it through illegal means that they are condemned. We have mentioned it in a negative form in order to save the Government from trouble. Those who have not acquired it by sale or purchase will be declared evacuees and their property will become evacuee property. On the other hand, 'intending evacuee' is a person who in all good faith did an action which was permitted by the Government of India in those days. It was the Government of India which entered into an Agreement with Pakistan in January 1949 to the effect that the exchange of properties between the people will be permitted and encouraged. In fact, it bound itself thereby to facilitate the exchange of properties. The grave charge made against Pakistan was that during the currency of this agreement only some hundred or less cases of exchange were permitted by Pakistan. Now a man who had done a thing which was not a crime at the time of its commission, which was not even prohibited by Government should not be deprived of his rights which he has under the Constitution.

In this connection I may read out to the House article 31(5) (b) (iii) which reads:

"(iii) in pursuance of any agreement entered into between the Government of the Dominion of India or the Government of India and the Government of any other country, or otherwise, with respect to property declared by law to be evacuee property."

Those properties which were declared by law to be evacuee property have been saved by this Fundamental Right. Of course, by this article 31 we are empowered to treat evacuee property as apart from the Fundamental Rights granted, but only so far as article 31 goes. The rest of the articles are fundamental and they have been granted by other clause. For example sub-clause (2) of article 13 says:

"(2) The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void."

This provision is very definite and unhedged. Then we come to article 19(f) which says:

"(f) to acquire, hold and dispose of property;"

This is a Fundamental Right in which no provision has been made for any exemption.

Again article 20(1) says:

"No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence."

What I mean to convey by all these quotations is that an action which was done at a time when it was not prohibited by Government is sought to be made into an offence: in other words a man is going to be penalised and deprived of his Fundamental Right to manage his property.

We consented to the provision relating to "intending evacuees" because it only wanted to preserve the *corpus* of the property, and the intending evacuee property remaining in his management, vesting in him and being enjoyed by him. We debarred him permanently from alienating it. The

property remained vested in him only as a trustee; he could not sell it. The power of sale was taken away, so that the property was preserved for the refugees, unless anything otherwise is decided between the Government of India and the Government of Pakistan. But what is being done by this clause 22 now is that for the same offences which are described in sub-clauses e(i) (ii) and (iii) of clause 2 he is going to be penalised again and the penalty is such as to deprive him of all rights to, or interests in, or advantages from the property. There is no provision in this Bill that an intending evacuee will get even any sort of maintenance allowance from his property. What is the good of the property remaining his property when he cannot enjoy it? I can well understand his being barred from selling it and we may not have the slightest objection to it, that it should be held as a trust. But if he is not going to get any advantage or any income from it, how is he going to live? Is this the manner in which the minorities are to be encouraged to remain in the country? I for one cannot understand how we can reconcile ourselves to this clause.

I should, however, like to mention one fact. If a provision is made whereby the property remains vested for the benefit of the refugee we would have no objection, provided there is a provision for the maintenance of the intending evacuee. But as the clause stands, it contravenes the provision and spirit of article 19(f) and imposes a double penalty for no fresh cause. You can always apply enhanced penalties if there is any aggravation of the crime. But my difficulty here is that even the Explanation is illustrative and not exhaustive. As the House knows, it is no good law which provides for executive enactments through delegated legislation. This is the worst example of delegated legislation. We do not bind down the executive to any line of action. By giving an illustration what we do is we give them one sample which is not the sample of all the things that are there—you have hundred bags in your godown and you show as sample the contents of one bag which is not representative. I therefore request the hon. Minister to so clarify the situation that our apprehensions may be removed. Otherwise it will be very difficult for us to accept this amendment.

Shri J. E. Kapoor: I must confess that I have been greatly disappointed at what has fallen from the lips of my hon. friend Mr. Hossain Imam, the more so that these remarks should have been made at a stage when we are practically finishing the discussion of this Evacuee Property law—a discussion which we have so far carried on with perfect good-will and good grace. What has particularly hurt me is his remark that if we enact a law of the nature that we are going to enact how can we ask the minority to stay on.

Prof. Ranga (Madras): That minority is not here.

An Hon. Member: The provision is for those who leave.

Shri Hossain Imam: It is for those who are staying in India.

Shri J. E. Kapoor: My own feeling was, and I thought it was the feeling of every other hon. Member of this House, that this Evacuee Property law is being enacted with particular regard to the views, wishes and convenience of the minority in this country. I hope my hon. friend does not forget that from time to time we have made this Evacuee Property law milder and milder and softer and softer still in order to meet the wishes of our Muslim friends in this country.

Prof. Ranga: But how does it effect them? They are not interested in going away somewhere else.

Pandit Thakur Das Bhargava: May I point out that in the Explanation there was clause 2 which has now been omitted? I would like to ask the hon. Minister if it has not been omitted at the instance of my hon. friend Mr. Hossain Imam and his party.

Shri J. B. Kapoor: These were exactly some of the things which I was thinking of referring to, and I would refer only to some of them but without importing any heat, for at this particular moment I am not overpowered by any heat but I am overpowered by a sense of disappointment and regret because I had thought that at the end of this discussion, when shortly hereafter we come to the third reading of the Bill, my hon. friends like Mr. Hossain Imam and others would shower congratulations on Government and the hon. Minister of State for having piloted this Bill in such a smooth manner and for having gone to the farthest possible extent to meet their wishes. I would not refer to the very many occasions during the last two or three months when Mr. Hossain Imam and many of us who were interested in this legislation put our heads together and always tried to come to agreed propositions. All these clauses and all these amendments are the result of a spirit of give-and-take. So far as we of the Congress are concerned we were not actuated by the spirit of give-and-take for we had nothing to take and everything to give, because we were always anxious to see that this legislation should be enacted in such a way that it may leave absolutely no rancour in the hearts of our Muslim friends, even though our refugee friends and many others may have a grievance and a justifiable grievance too. But then the policy of our Government is that in such matters we should not only be just and fair but should be generous, and generous even to the extent of annoying the members of the majority community, because we can always appeal to the majority community that while dealing with the minority they must be generous and very generous and not do anything which might lead the minority to think.....

Prof. Ranga: But where does the minority come with reference to this? The minority is here.

Shri J. B. Kapoor: When I use the word minority I use the word within inverted commas. When I use the word I use it in the sense that some of our friends use it wrongly. My hon. friend Mr. Hossain Imam referred to the Fundamental Rights provided in the Constitution. He referred to article 31 clause (5) sub-clause (b) and part (iii) thereof. I do not know whether he was referring to it with a view to support what he had been saying of what his object was. If we were to refer to this clause it would be absolutely apparent and obvious that while enacting this Constitution we had made it perfectly clear that the Fundamental Rights guaranteed herein were not to operate in the case of any property which may be declared as evacuee property by any law which this Parliament may make. Now, this is the law which we are making. We are defining here what evacuee property would be. In the amendment which has just been moved by the hon. Minister of State we are going to define what evacuee property would be even in the case of intending evacuees. Thereafter, when the property is declared as evacuee property under this new amendment, that evacuee property would be subject to the provisions of article 31 (5) (b).

One point has been raised by my hon. friend Mr. Hossain Imam that if property of an intending evacuee who still remains in this country is declared evacuee property, how would it be possible for him to maintain himself. Well, let us not forget the circumstances under which his property—the little property that may still be left with him—would be declared evacuee property. What the amendment of the hon. Minister of State says is, according to part (i) of its Explanation:

"The following shall be deemed to be some of the circumstances prescribed under clause (b), namely—

(i) the transfer to Pakistan by any person referred to in that clause....."

These are the significant words:

"...of a substantial portion of his assets situated in any part of the territories to which this Act extends".

Now, before he is declared an intending evacuee and before his property is declared evacuee property he must have transferred "a substantial portion" of his property already. Whatever may be the proceeds accruing from the transfer of the substantial portion of his property must have been sent over to Pakistan, so that he would continue to be in possession of the proceeds accruing from the substantial portion of his property, which proceeds have been transferred to Pakistan and may safely be there with some of his friends or relatives. Now that the intention on his part to leave India has been established he would naturally be soon leaving this country and going over to Pakistan, and after going over to Pakistan he can very well enjoy all the assets that he has transferred or which he may take along with him. So, the question of making any provision for his maintenance in this country does not simply arise. I submit therefore that this amendment which has been moved by my hon. friend Mr. Mohan Lal Saksena is not only a just and reasonable amendment but is an amendment which according to the views of many of us is inadequate and should have had its scope much widened. This is in deference to the wishes and views of my hon. friends over there; it has been done after thorough discussion, and I do wish that my hon. friends will appreciate this spirit which has actuated Government in putting this amendment in the present shape. I support this amendment.

Shri Gopaldaswami: May I explain the position? I think that there is something to be said for the point of view which my hon. friend Mr. Hossain Imam put forward. If he will bear with me and listen to what I think is the real purpose of this particular clause, he will agree in the end that it is not so drastic as he imagines it to be. Now we have created two classes of people under this Bill, "an evacuee" and an "intending evacuee". We have "evacuee property", that is another category. We have property owned and possessed by an intending evacuee. In certain circumstances, this property might be declared to be evacuee property and then it attracts all the provisions of the Bill relating to evacuee property.

Now, let me put it once and for all to the House that whether it is a case of "evacuee property" or of property belonging to an "intending evacuee" or of property of an intending evacuee which has been declared to be evacuee property, the ownership continues in the person who is either an evacuee or an intending evacuee, so that any argument based upon the suggestion that this Bill deprives the owner of property without due compensation is, I think, a little of an over-statement of the case. Take, for instance the case of an "intending evacuee". Now, "an intending evacuee" is a person—I am taking only the question of how transactions relating to immovable property might affect him. Let us take the case of a person who is declared "an intending evacuee" because he has transferred some of his assets between the dates, the 14th day of August 1947 and 18th day of October 1949. I want the House to realize that any transfers which took place between those dates by or on behalf of an "intending evacuee" will not be invalidated by anything that is provided for in this Bill.

Shri Hossain Imam: Hear, hear.

Shri Gopaldaswami: That is the position which I want hon. Members to realize. If that fact is remembered, the only question that we have got to consider is whether on account of the size of the transfer of assets which he effected between the 14th August 1947 and 18th October 1949 or because of the acts done by him as regards transfers of property after the 18th October 1949, whether in those cases it is undesirable or unjustifiable to declare his property to be evacuee property in order that it might attract the provisions relating to evacuee property in this Bill. With regard to transfers which he effects in contravention of the provisions of the Bill after the 18th October 1949, clause 22,

[Shri Gopaldaswami]

as originally drafted stated that it could after notice be declared to be evacuee property. We had to consider only the class of cases which relate to the transfers between the 14th August 1947 and 18th October 1949. With regard to these transfers there is one particular contingency which if it has occurred, will render not the transferred property, but the property which still remains with the intending evacuee to be "evacuee property". Any order that may be passed under clause 22 as proposed to be amended cannot invalidate the transfers, however much in volume they may have been between the 14th August 1947 and 19th October 1949. We take those large volume transfers only as evidence indicating that the man was actually *preparing* for migrating to Pakistan. When we come to that conclusion, we impose restrictions on his dealing with the remainder of his property which is still in his ownership and perhaps, possession also. If you remember that, you cannot say that this particular man whose preparations for migrating to Pakistan are being completed should be put in any better position than the man who has actually migrated. What is the restriction that is put upon him? He cannot transfer the remaining property with him to anybody without the consent of the Custodian.

There is one point which the hon. Mr. Hossain Imam raised. That was about the man continuing in possession of his property and continuing to receive income therefrom after that property is declared to be "evacuee property." Now the Bill certainly contains provisions which say that after the evacuee property vests in the Custodian, it is open to the Custodian-General or any of his army of subordinate Custodians to say that he will take possession of it, that he will arrange for the management of the property or for the leasing out of the property in ways other than the owner had been doing. Assuming that he does so, in those cases certainly the income that is derived from him is income which the Custodian gets on behalf of the owner and, if the owner happens to be in this country, the trouble that now exists as regards remittances of rents collected here to Pakistan will not exist and I take it that any reasonable Custodian will see that the rents will certainly be made over to the owner in this country. That is a point which I want the hon. Mr. Hossain Imam to recognize. First of all, there is no obligation to deprive the owner of possession if the Custodian is of the opinion that the owner continuing in possession does not impair the value of the property itself. If any repairs have to be carried out and the owner wants to let it for rent, it is possible that the Custodian may issue an order and say: "You shall carry out such and such a repair" and he will be bound to carry them out, but beyond that sort of control over the possession and management of property, it is not incumbent on the Custodian to deprive him of his possession. He may deprive him of the possession of one house and let him remain in the other house, or he may deprive him of possession of certain lands, but let him continue to live in his own house. If they remember all these, I am sure, my hon. friends will recognize that there is nothing to object to in what my hon. friend has moved. The point really is this: There might be some people who by being considered to be only "intending evacuees" and not having the fear of their remaining property being declared "evacuee property" might go on alienating their properties and making it difficult for, say, that property being conserved for the purpose—anything that we may have in contemplation for the purpose—of compensating refugees who have come over here. That is really at the bottom of this, and I do not think any rights of ownership are extinguished, nor is there any compelling obligation on the part of the Custodian to deprive the owner, an intending evacuee who continues in this country, of possession, or even the management of his properties, if the Custodian came to the conclusion that the best interest of the property required management by the owner himself. I hope therefore that after this explanation my hon. friend will kindly allow this amendment to be approved.

خواجہ علیایت الدین - "Substantial portion of these assets" اس کا کیا مطلب ہوگا - یہ کتنا ہو سکتا ہے - فرضیہ کہجئے کہ ایک آدمی کے پاس کل املاک 100 روپے ہے تو کتنے سمسٹیل شہل اسہائس ہونگے ؟

(English translation of the above speech)

Khwaja Inait Ullah: What is meant by "Substantial portion of these assets"? How much can it be? Suppose a person's total assets are valued at Rs. 100/-, may I know what portion of the same will be considered as 'substantial assets'?

Mr. Deputy-Speaker: It will be more than 51 per cent. The question is:

For existing clause substitute :

"22. Declaration of property of intending evacuee as evacuee property in certain cases.—
If the Custodian is satisfied—

- (a) that any person in respect of whom a declaration has been made under section 19 that he is an intending evacuee, has made a transfer of any property in contravention of section 20, or has failed to comply with any order made under clause (c) or clause (d) of section 21; or
- (b) after such enquiry as may be prescribed, that the circumstances relating to any person in respect of whom a declaration has been so made on the ground that after the 14th day of August, 1947 and before the 18th day of October, 1949, he had done any of the acts specified in sub-clauses (i) to (iii) of clause (e) of section 2 are such as may be prescribed as constituting a preparation for his migrating to Pakistan.

the Custodian may declare any property situated in the State in which such person has any right or interest, to be evacuee property and on the issue of such notification any property specified in the notification shall be deemed to be evacuee property which has vested in the Custodian within the meaning of this Act.

Explanation.—The following shall be deemed to be some of the circumstances prescribed under clause (b), namely—

- (i) the transfer to Pakistan by any person referred to in that clause of a substantial portion of his assets situated in any part of the territories to which this Act extends, or
- (ii) the acquisition of, or the declaration of an intention to acquire, Pakistan nationality by any such person."

The motion was adopted.

Clause, as amended, was added to the Bill.

Clause 38

(Restriction on transfer by evacuees)

Shri J. R. Kapoor: Sir, I beg to withdraw my amendment to sub-clause (1) of clause 38, discussion on which was held over earlier.

The amendment was, by leave, withdrawn.

Shri Mohan Lal Bakshna: I beg to move:

In sub-clause (1), in lines 3 and 4 for "by or on behalf of an evacuee, or by or on behalf of a person who has become an evacuee after the date of transfer", substitute "by or on behalf of any person whose property is declared to be evacuee property."

This is acceptable to Mr. Hossain Imam and Mr. Kapoor.

Shri J. R. Kapoor: The property of evacuee by itself is evacuee property. It is only property of intending evacuee that is declared evacuee property. So we should have the word 'evacuee' also in this.

[Shri J. R. Kapoor]

लेकिन इसकी जरूरत है या नहीं यह देख लीजिये। इवेक्यूई की जो प्रापटी होती है that is never declared evacuee property. डिक्लेरेशन का तो कोई प्रावीजन इसमें नहीं है।

(But whether it is necessary or not may be considered. The property of an evacuee is never declared evacuee property. There is no provision for declaration in this.)

Shri Mohan Lal Saksena: No. It has to be taken over.

Dr. Tek Chand (Punjab): May I know under what clause of this Bill will the property of an evacuee be declared as evacuee property? In the amendment the words 'notified or declared' be added.

Shri Mohan Lal Saksena: I accept the amendment.

Mr. Deputy-Speaker: The question is:

In sub-clause (1), in lines 3 and 4 for "by or on behalf of an evacuee, or by or on behalf of a person who has become an evacuee after the date of transfer", substitute "by or on behalf of any person whose property is notified or declared to be evacuee property."

The motion was adopted.

Further amendment made:

In sub-clause (2), after "commencement of this Act" insert "or within two months from the date of the notification or declaration referred to in sub-section(1)".

[Shri J. R. Kapoor]

Clause, as amended, was added to the Bill.

Shri J. R. Kapoor: I have seen an amendment to clause 2 in the name of the hon. Minister in Supplementary List No. 10.

Mr. Deputy-Speaker: That will come in the third reading.

Clause 1

(Short Title and extent)

Amendments made:

In sub-clause (1) for "1949" substitute "1950".

[Shri Mohan Lal Saksena]

Shri Mohan Lal Saksena: I beg to move:

For sub-clause (2), substitute:

"(2) It extends to the whole of India except the States of Assam, West Bengal, Tripura, Manipur and Jammu and Kashmir."

I have added the words Tripura and Manipur, because under the present Agreement, Tripura has been excluded.

Mr. Deputy-Speaker: The question is:

For sub-clause (2), substitute:

"(2) It extends to the whole of India except the States of Assam, West Bengal, Tripura, Manipur and Jammu and Kashmir."

The motion was adopted.

Clause, as amended, was added to the Bill.

Preamble

Mr. Deputy-Speaker: The question is:

That the Preamble stand part of the Bill".

The motion was negatived.

Enacting formula

Amendment made:

For existing enacting Formula, substitute "Be it enacted by Parliament as follows :—"

[*Shri Mohan Lal Saksena*]

The Enacting Formula, as amended, was added to the Bill.

Title

The Title was added to the Bill.

Amendment made:

The clauses and sub-clauses of the Bill be re-numbered or re-lettered as necessitated by the amendments made therein and that all references therein to the numbering or lettering of clauses and sub-clauses be corrected as required by such re-numbering.

[*Shri Mohan Lal Saksena*]

Shri Mohan Lal Saksena: Sir, I have been advised that amendment No. 140 in the printed list is necessary, namely:

"That in the Proviso to part (q) of sub-clause (2) of clause 10, for the word 'Deputy' the word 'Assistant' be substituted."

Shall I move it now or at the Third Reading?

Mr. Deputy-Speaker: The hon. Minister may reserve it for the third reading.

Shri Mohan Lal Saksena: I beg to move:

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

Mr. Deputy-Speaker: Motion moved.

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

Clause 10

Amendment made:

In the proviso to part (q) of sub-clause (2), for "Deputy", substitute "Assistant".

[*Shri Mohan Lal Saksena*]

Clause 2

Shri Mohan Lal Saksena: I beg to move:

In the Explanation to part (e) (ii), added by amendment No. 72 in the Final List, before "company", insert "private limited".

Yesterday, an amendment was carried in the House. There, the word that occurs is 'company'. We have deliberately excluded joint stock companies. We want it to be limited to private companies. Therefore, I move this consequential amendment.

Mr. Deputy-Speaker: The question is:

In the Explanation to part (e) (ii), added by amendment No. 72 in the Final List, before "company", insert "private limited".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended be passed."

The motion was adopted.

RESOLUTION *RE* CENTRAL ROAD FUND AND STANDING
COMMITTEE FOR ROADS

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

"That this House hereby resolves that the Resolution on the Central Road Fund, as adopted by the Constituent Assembly of India (Legislative) on the 19th November 1947, and as amended by that Assembly on the 8th December 1949 be further amended as follows:

1. Wherever an expression mentioned in column 1 of the Table hereunder appended occurs in the Resolution, there shall be substituted therefor the expression set opposite to it in column 2 of the said Table:

TABLE

1	2
Governors' Provinces	Part A States and Part B States
Governor's Province	Part A State or Part B State
Province	State
Provincial	State
Provinces	States
Constituent Assembly	Parliament

2. In paragraph 3 of the Resolution.—

(a) in clause (b) of sub-paragraph (1)—

(i) sub-clauses (i) to (iv) shall be omitted;

(ii) after the words 'Central Government', the words 'a portion for expenditure in each State and territory specified in the First Schedule to the Constitution' shall be inserted;

(iii) for the words 'India and the States referred to in sub-clause (iv) above', the words 'the territory of India' shall be substituted.

(b) after sub-paragraph (4), the following sub-paragraph shall be added:

'(5) Special additions to the Road Fund for financing particular projects may be accepted from sources other than that mentioned in paragraph 2(2), which shall be kept in a Special Reserve and utilised for such projects'.

3. For sub-paragraph (1) of Paragraph 9 the following shall be substituted:

'A Standing Committee for Roads shall be constituted consisting of:

(a) the Minister in charge of Transport who shall be *ex-officio* Chairman, the Minister of State for Transport who shall be *ex-officio* Vice-Chairman, and the Minister of State for Parliamentary Affairs who shall be *ex-officio* member;

(b) 15 members elected by the Members of Parliament from amongst themselves; and
(c) the Chief Commissioner of Railways.'

4. For sub-paragraph (2) of paragraph 9 the following shall be substituted:

'(2) In the absence of the Chairman and the Vice-Chairman, the members present at any meeting may elect one of themselves to act as chairman of the meeting.'

5. To sub-paragraph (4) of paragraph 9 of the Resolution, the following proviso shall be added:

'Provided that the amounts in Special Reserve shall be applied only to the purposes for which they are earmarked.'

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

I need not take much time of the House over this Resolution. We have circulated to every Member the original Resolution as amended by this motion. They will find that they are mostly purely verbal alterations to bring the original Resolution up to date and in consonance with the new set up.

There is only one matter which has been newly introduced in paragraph 2(b). Hitherto it has been the practice that other Departments of the Government of India put funds into the Road fund for the purpose of building roads somewhere or other, though they did not strictly come under the Resolution,

The Auditor-General has suggested that the procedure must be regularised as otherwise in accordance with the Resolution these funds also will become liable for the establishment and other charges. In order to meet that point we have provided a special clause saying that when we get funds from other sources they will be operated through a special reserve of the Road Fund, so that the amounts will be placed before the Standing Committee and the Auditor-General will find it quite regular. But for this the rest of the Resolution is more or less verbal in character.

The present position is that there are only 12 Members elected to the Standing Committee for Roads. I have increased the number to 15 in accordance with the undertaking I gave the House when I moved the motion for the appointment of the Standing Committee for Roads. The membership of the Standing Committee for Roads will now be identical with that of the Standing Committee for the Ministry of Transport other than Roads.

Mr. Chairman: Resolution moved:

"That this House hereby resolves that the Resolution on the Central Road Fund, as adopted by the Constituent Assembly of India (Legislative) on the 19th November 1947, and as amended by that Assembly on the 8th December, 1949 be further amended as follows:

1. Wherever an expression mentioned in column 1 of the Table hereunder appended occurs in the Resolution, there shall be substituted therefor the expression set opposite to it in column 2 of the said Table:

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1	2
Governors' Provinces	Part A States and Part B States
Governor's Province	Part A State or Part B State
Province	State
Provincial	State
Provinces	States
Constituent Assembly	Parliament

2. In paragraph 3 of the Resolution,—

(a) in clause (b) of sub-paragraph (1)—

(i) sub-clauses (i) to (iv) shall be omitted;

(ii) after the words 'Central Government', the words 'a portion for expenditure in each State and territory specified in the First Schedule to the Constitution' shall be inserted;

(iii) for the words 'India and the States referred to in sub-clause (iv) above', the words 'the territory of India' shall be substituted.

(b) after sub-paragraph (4), the following sub-paragraph shall be added:

'(5) Special additions to the Road Fund for financing particular projects may be accepted from sources other than that mentioned in paragraph 2(2), which shall be kept in a Special Reserve and utilised for such projects'.

3. For sub-paragraph (1) of Paragraph 9 the following shall be substituted:

'A Standing Committee for Roads shall be constituted consisting of:

(a) the Minister in charge of Transport who shall be *ex-officio* Chairman, the Minister of State for Transport who shall be *ex-officio* Vice-Chairman, and the Minister of State for Parliamentary Affairs who shall be *ex-officio* member;

(b) 15 members elected by the Members of Parliament from amongst themselves; and

(c) the Chief Commissioner of Railways'.

4. For sub-paragraph (2) of paragraph 9 the following shall be substituted:

'(2) In the absence of the Chairman and the Vice-Chairman, the members present at any meeting may elect one of themselves to act as chairman of the meeting.'

5. To sub-paragraph (4) of paragraph 9 of the Resolution, the following proviso shall be added:

'Provided that the amounts in the Special Reserve shall be applied only to the purposes for which they are earmarked.'

Prof. Ranga (Madras): I am in agreement with the Resolution but I would like to have some information with regard to one or two points. I am glad that provision is made so that any special contributions that may be made to this fund will be kept apart for specified purposes which are notified. I would like to know from which sources the Government of India expect such accretions to this Fund? I can imagine one source, namely, that in certain places the Railways may like to develop feeder communications and thus expand their own services to the public by starting their own bus services. They may make certain contributions to this Fund for the specific purpose of constructing roads or repairs. I would like to know whether the Government of India contemplate any such development at all. It is very necessary, especially in view of the fact that the Railways in many places are not able and are not willing for some years to come to develop their own railways as quickly as they should and thus provide railway service to people in certain regions. It is therefore necessary that the Railways should be prepared to provide accessory and additional services by way of developing roads as also road services. I hope the Government of India will keep this possibility in mind and try to discharge their responsibilities in this regard by setting apart a portion of their revenues every year and place it at the disposal of this Fund to utilise it.

शेख मुहीउद्दीन : जो रेजोल्यूशन सन्तानम साहब ने रक्खा है वह बहुत जरूरी चीज है क्योंकि हिन्दुस्तान की रेलवेज से जितने यात्री चलते हैं, खास तौर से इस समय में, उनके लिये वह काफी नहीं है। यहां तक कि रेलवे को छोड़ कर भी उनको और रास्तों से जाना होता है और हिन्दुस्तान का ऐसा कोई हिस्सा नहीं है जिस में हर जगह मोटर चल सकें, या कम से कम बैलगाड़ी चल सकें। वह रास्ते इतने खराब हैं जिनका कुछ कहना नहीं। खास कर जो खतरे की जगहें हैं वहां के रास्ते तो बहुत ही खराब हैं। हिन्दुस्तान के पूर्वी हिस्सों में यानी पूर्वी पाकिस्तान के बाईर पर जो रास्ते बनाये गए हैं वह अभी चलने लायक नहीं हैं किशनगंज सबडिवीजन के बाईर में जो सड़क बनाई गई है वह अभी भी जगह ब जगह बहुत खराब है और कहीं कहीं ब्रिजिस (bridges) की जो जरूरत है वह ब्रिज अभी पूरे नहीं हो सके हैं और रास्ता भी चलने लायक नहीं है। बरसात क्या गर्मी के जमाने में भी बरसहे (Barsoe) से किशनगंज नहीं आ सकते। इस पर काफी खर्च किया गया है लेकिन और भी रुपये की जरूरत है। अगर इन सड़कों को ठीक से न बनाया जायगा तो देश के लिये वह बहुत खतरनाक बात है, क्योंकि एक रेलवे है और उसमें भी काफी ट्रेन नहीं हैं जिसमें अच्छी तरह से यातायात हो सके इस लिये बहुत लोगों को बैलगाड़ी से जाना होता है। कटिहार को पूर्वी (Eastern) भाग (Side) का रास्ता भी, जिसका पाकिस्तान से काफी खतरा है वह कोई रास्ता सरकार की तरफ से नहीं बनाया गया है। कटिहार से राधिकापूर (Radhikapur) जाने के लिये सिर्फ एक रेलवे लाइन है। वह जगह जगह बरसात के समय में बहुत खौफनाक और खतरनाक होता है। कटिहार से राधिकापूर तक एक सड़क बनाने की बहुत जरूरत है और किशनगंज से बारसहे (Barsoe) तक

जो सड़क आई है उसको बढ़ाकर मालदा तक मिला देना चाहिये। पुर्निया दीनाजपुर वेस्ट (West) मालदा वेस्ट (West) की जो लाइन यानी सड़क है उसको ठीक करने की जरूरत है। इस लिये मेरा ख्याल यह है कि पुर्निया के पूर्वी हिस्से के रास्ते को खास तौर से अच्छी तरह बनाया जाय क्योंकि यह पाकिस्तान के बार्डर पर है सिर्फ इतना ही मेरा कहना है कि रोड वर्क में काफी रुपया दिया जाय ताकि सड़कों का काम अच्छी तरह से चल सके।

(English translation of the above speech)

Saikh Mohiuddin (Bihar): The Resolution moved by the hon. Shri Santhanam is of paramount importance because the Railways in India cannot adequately cater to the needs of almost all the passengers travelling on them especially in these days. Apart from the Railway, they have also to use other means and there does not exist any such part in India where motor-buses can be run at every place or at least the bullock-carts can be driven. Those roads are in such a bad condition that it cannot be described in words; especially the roads approaching the vulnerable places are in a very bad state. The roads which have been constructed in the eastern parts of India or in other words on the borders of Eastern Pakistan are not yet fit for traffic. The road which has been constructed on the border of Kishenganj sub-division is still in a very bad condition at several places and the bridges also have not so far been completed at places where these are required and moreover the road is not yet fit for traffic. What to say of rainy days, even during summer we cannot travel from Barsoe to Kishenganj. A lot of money has been spent over this and still more money is required. If these roads are not properly constructed, it would be very dangerous for the country, because there is only one Railway line and there too adequate trains are not being run which may facilitate the transport. It is, therefore, that most of the people are compelled to travel by bullock-carts. Why no road has been constructed by Government on the eastern side of Katihar which is sufficiently exposed to danger from Pakistan? There is only one Railway line between Katihar and Radhikapur and during rainy season it becomes very hazardous to travel there as breaches occur at several places on that section. The construction of a road between Katihar and Radhikapur is very badly needed and the road linking Kishenganj with Barsoe should be extended upto Malda. The road running between Purnea-Dinajpur West and Malda West should be properly maintained. Therefore, I consider that particular care should be taken to construct a road on the eastern side of Purnea because it lies on the border of Pakistan. To sum up, I would like to say this much only that more money should be allotted for road works so that these roads could be properly looked after.

Shri Santhanam: So far as the constitution of the Road Fund is concerned, we had a discussion when I moved the amendment in December last. The Road Fund is constituted out of the petrol taxes. The Resolution provides not less than two annas, but actually we are getting two and a half annas per gallon. The Fund is distributed according to the Resolution which has already been passed by this House. That is, twenty per cent. is kept in the reserve and the balance is distributed according to the petrol consumption of each area. We have increased this reserve from fifteen to twenty per cent. to meet such cases as my friend has explained. I may tell him that whenever a State Government comes for special assistance for such border roads, we have been taking a very sympathetic view, and when such cases come up I can assure him that we shall give as much as we can possibly afford.

[Shri Santhanam]

Now, I may answer Prof. Ranga very easily. The Road Fund is constituted only with the petrol taxes. In addition, for strategic roads the Defence Department may give some money. So far as the roads in Part C States are concerned, out of the budgets for those Part C States, sums are allotted for road-making and in order to see that the road-making is made efficient, those funds are operated through the Road Fund so that we may have the control. Again, whenever road transport corporations are formed and they ply their buses on the national highways, we are trying to induce them to give a part of their profits to the Road Fund to be spent on those national highways so that the wear and tear of the national highways may be alleviated to some extent. Similarly, for any special purpose, as for instance in the case of the Pathankot-Srinagar road, the Government of India may give money, and that will be done through this Fund. It was stated that hitherto there has not been so much perfect co-ordination in the matter of road-making. We want to bring about such perfect co-ordination and this Fund is meant for that.

Prof. Ranga: What about co-ordination by your own Railways?

Shri Santhanam: I think Prof. Ranga should be satisfied if the Railways do their work efficiently and properly, provide all the amenities which the House wants for the class III passengers, put cover on all the platforms, etc. I feel that probably for a generation to come the Railways will have enough to do in putting their own house in order. Meanwhile, the Government of India which is a single entity, is paying through the Road Fund, through the contribution to the national highways and by special contribution to the roadways, very substantial amounts every year for road purposes. When our finances have improved we shall try to get much more from the Government of India—from the Finance Department—for road-making.

I am glad the House is accepting the motion without much debate.

Shri Sidhva (Madhya Pradesh): What is the amount in the reserve fund of the Road Fund?

Shri Santhanam: The annual income—I speak from memory and hope my hon. friend Mr. Sidhva will not complain that I was not very accurate—is of the order of Rupees two crores, and he can calculate the twenty per cent.

Shri Sidhva: But you must have some surplus, some balance?

Shri Santhanam: We have got some balances—if he wants, I can send him the information.

Mr. Chairman: The question is:

“That this House hereby resolves that the Resolution on the Central Road Fund, as adopted by the Constituent Assembly of India (Legislative) on the 19th November 1947, and as amended by that Assembly on the 8th December, 1949 be further amended as follows:

1. Wherever an expression mentioned in column 1 of the Table hereunder appended occurs in the Resolution, there shall be substituted therefor the expression set opposite to it in column 2 of the said Table:

TABLE

1	2
Governors' Provinces	Part A States and Part B States
Governor's Province	Part A State or Part B State
Province	State
Provincial	State
Provinces	States
Constituent Assembly	Parliament

2. In paragraph 3 of the Resolution.—

(a) in clause (b) of sub-paragraph (1)—

(i) sub-clause (i) to (iv) shall be omitted;

(ii) after the words 'Central Government', the words 'a portion for expenditure in each State and territory specified in the First Schedule to the Constitution' shall be inserted;

(iii) for the words 'India and the States referred to in sub-clause (iv) above', the words 'the territory of India' shall be substituted.

(b) after sub-paragraph (4), the following sub-paragraph shall be added:

'(5) Special additions to the Road Fund for financing particular projects may be accepted from sources other than that mentioned in paragraph 2(2), which shall be kept in a Special Reserve and utilised for such projects'.

3. For sub-paragraph (1) of paragraph 9 the following shall be substituted:

'A Standing Committee for Roads shall be constituted consisting of:

(a) the Minister in charge of Transport who shall be *ex-officio* Chairman, the Minister of State for Transport who shall be *ex-officio* Vice Chairman, and the Minister of State for Parliamentary Affairs who shall be *ex-officio* member;

(b) 15 members elected by the Members of Parliament from amongst themselves; and

(c) the Chief Commissioner of Railways'.

4. For sub-paragraph (2) of paragraph 9 the following shall be substituted:

'(2) In the absence of the Chairman and the Vice-Chairman, the members present at any meeting may elect one of themselves to act as chairman of the meeting.'

5. To sub-paragraph (4) of paragraph 9 of the Resolution, the following proviso shall be added:

'Provided that the amounts in the Special Reserve shall be applied only to the purposes for which they are earmarked.'

The motion was adopted.

INDIAN TARIFF (THIRD AMENDMENT) BILL

AMENDMENT OF ITEM NOS. 28(4), 60(6) ETC. OF FIRST SCHEDULE

The Minister of Works, Mines and Power (Shri Gadgil): I beg to move:

"That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration."

This Bill gives protection up to the end of December, 1952, firstly, to soda ash, secondly, to sheet glass, and thirdly, to plastics. There is no new principle involved in this Bill. We are only carrying out the policy of discriminating protection that has been long accepted by this House and by Government till such time when some new policy will be accepted as a result of the report of the Fiscal Commission, which may be received in the course of a month or two.

Dealing with soda ash, the proposal is to give protection to this industry. For the present, the import of soda ash is subject to a revenue duty of 30 per cent. *ad valorem* and 18 per cent. preferential. The indigenous industry is undoubtedly a war-time development. There are two factories, one the Dharangadhara Chemical Works Ltd., at Dharangadhara, and the other, the Tata Chemical Ltd., at Mithapur. The indigenous demand for soda ash is estimated at 90,000 tons per year of which 40,000 tons are for heavy soda and 50,000 for light soda ash. The indigenous industry manufactures light soda ash. Its capacity is about 46,000 tons per year. Although the actual production has not gone beyond 21,689 tons, it is expected that in the near future, when the protection is given and other help which is contemplated is available, the factories will work to capacity. Both the factories are planning to increase production by the installation of additional machinery. Both the factories closed down in April 1949 owing to accumulation of stocks resulting in very heavy imports of soda ash at comparatively lower prices.

[Shri Gadgil]

Soda ash is used as a raw material for several products, in particular for the manufacture of caustic soda, sodium bichromate, glass, silicate, soap, rubber, etc. It is largely used for washing and cleaning. The main raw material used in the manufacture of soda ash are salt, limestone, coke and coal; all that is quite abundant in this country. So, the first condition for grant of protection, namely, abundance of raw material, is available.

Soda ash is also an important item of the alkali group of the heavy chemical industry and is of basic importance in the industrial development of this country. It is, therefore, an industry to which it is desirable, in the national interests, to grant protection or assistance. In other words, this satisfies another test which has been laid down in the formulation of policy of discriminating protection.

Thirdly, as far as the Government are aware and as far as the findings of the Tariff Board go, this industry runs on sound lines. With its natural advantages and reduction in costs when production increases, the industry can be expected to develop sufficiently within a reasonable time to enable it to meet competitions from abroad with protection from the State, or any other assistance. That is another test which it is believed will be satisfied if protection is given.

Now, the exact extent of protection that was suggested by the Tariff Board, after detailed examination of costs, was 30 per cent. standard and subsequent adjustment. That was on the assumption that the fair-selling price of Indian soda ash would be Rs. 16.83 per cwt. and the landed cost of the imported one would be, without duty, Rs. 11.92. At the time of the Tariff Board's enquiry, that was the position. But immediately after that the landing cost came down to Rs. 9.75. This necessitated a review of the whole position and as a result Government came to the conclusion that in the circumstances the duty should be increased to 40 per cent. preferential and 50 per cent. standard, in addition to a subsidy of Re. 1 per cwt. of sale of indigenous soda ash. This was also shown to the members of the Tariff Board and general agreement secured. Accordingly, these duties have come into operation under the provisions of the Protective Duties Act, 1946. The intention is, as I said in the beginning, to give protection till the end of the year 1952.

The second industry to which this Bill provides protection is the sheet glass industry. The question of protection to this industry was referred to the Tariff Board and the Tariff Board, after making elaborate enquiries, came to the conclusion that protection was really necessary to only one part of the manufacture, namely, sheet glass of gauges between 16 ounces and 13 ounces per square ft. The Tariff Board recommended the conversion of the revenue duty into a protective duty at the same rate which should remain in force for a period of two years in the first instance. Although the production of sheet glass is at present restricted to gauges 13, 16 and 32 ounces per square ft. the protection is to apply to sheet glass of all gauges in order to avoid possible administrative difficulties. That is the recommendation and Government have embodied the same in this Bill.

It may interest the House to know that the actual production has reached a maximum of 13 million square ft. Although the demand for sheet glass of all gauges is estimated at about 32 million square ft. per annum, it is expected that as a result of this protection production will increase both in point of quantity and also in point of quality.

The third industry for which protection is provided in this Bill is the plastics industry. It was also developed in the course of the last war. It covers several

branches such as the basic raw materials, namely, moulding powder, resin, phenol-formaldehyde moulding powder etc. and then some fabricated plastic materials such as sheets, tubes and rods, etc. etc. and then the finished articles made of plastic substances. After careful enquiry, the Tariff Board came to the conclusion that certain items only deserved protection and they recommended that phenol-formaldehyde moulding powder which is at present produced in India may be given protection. The demand for this powder is estimated at 1,000 tons in 1950, 1,500 tons in 1951 and 2,000 tons in 1952. The capacity of the only firm producing this powder is about 900 tons per annum but the actual production has not exceeded 200 tons in a year. The firm started production in 1946. As it is desirable to assist the development of an industry producing a basic raw material and as it would be in the ultimate interest of the moulding section of the plastic industry to use indigenous powder wherever it is possible, the Tariff Board has recommended among other things the conversion of the existing revenue duty of 30 per cent. *ad valorem* into a protective duty at the same rate. This recommendation has been accepted.

So far as some fabricated plastic materials are concerned, there is no immediate possibility of manufacturing the same in this country. Therefore, the Tariff Board did not recommend any protection for the same.

As regards finished articles, the recommendation of the Tariff Board covers a wide variety of articles. The demand is estimated at about 4000 tons during the next three or four years. This is about the same as the rated capacity of the Indian moulding factories. Therefore, what the Tariff Board has recommended is that the revenue duty leviable thereon under items 73 and 73(i) of the First Schedule of the Indian Tariff Act, namely, 36 per cent. *ad valorem* standard and 24 per cent. pre-preferential should be converted into protective duties of 40 per cent. and 30 per cent. respectively. This recommendation has been accepted by Government and the duties have been increased by notification under the Protective Duties Act of 1946.

These are the recommendations that have been embodied in this Bill. As I stated, there are no principles involved, and as the industries have satisfied the tests laid down in the policy of discriminating protection I think Government have acted quite rightly and I do hope that the House will accept this Bill.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration."

Shri T. T. Krishnamachari (Madras): I have no desire to embarrass my hon. friend the Minister of Works, Mines and Power by asking him all kinds of questions about the motion before the House, but I think it is very necessary that in view of the fact that in the Report of the Tariff Board in regard to soda ash industry, it has come to certain conclusions on data which in my opinion are not very sound, I have to make a few remarks.

I have no complaint to make in regard to the granting of protection to the sheet glass industry or to the plastics industry. So far as sheet glass is concerned, as my hon. friend the Mover put it, the protection is practically negligible because the duty is being converted from a revenue duty to a protective duty. In fact, if one reads the Report of the Tariff Board, it does seem as if the industry has even merited this amount of protection. But if Government are willing to give the guarantee that the present duty will not be lowered by using the provisions of Section 23 of the Indian Sea Customs Act, I have no quarrel with Government.

In regard to the plastics industry, I have not merely read the Report of the Tariff Board but I have also, in order to refresh my memory, gone through

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The Report of the Panel appointed in 1945 to go into the plastics industry. That Panel held out a hope of establishing this industry not merely for manufacturing phenol-formaldehyde moulding powder but other types of moulding powders as well and also of establishing a regular moulding industry and bonds ancillary industries to produce plastic materials. But the progress of this industry has been woefully slow and miserable. The Tariff Board says that the moulding powder factory in this country which has a rated capacity of 800 tons per year has hardly been able to produce 120 tons a year. If that industry requires protection, well, I do not quarrel with the decision. Nor am I very much concerned about the small protection that is being given for manufactured articles. After all, they are of a type for which alternatives can be obtained. If a person is not willing to pay the higher price that will ensue as a result of this protection to certain plastic materials made in this country, he can obtain other types of materials made out of china clay. Ceiling roes, switches and things of that sort are available in other types of material. So I have no quarrel with Government for giving protection to this industry either.

But I am afraid I have to make a few remarks in regard to the soda ash industry. My hon. friend the Mover mentioned that the soda ash industry is a war-time industry. I am afraid it is not a war-time industry. Sometime in 1943-44 when I had to go into this question of the manner in which the local heavy chemicals industry was being treated by the Government of the day, I was in a position to study the question of this industry fairly thoroughly. At the time, we had three factories in existence, the Dhrangadhara factory, a Jerry built one which changed hands often in regard to its management, the Khewra factory belonging to the Alkaline Corporation which is really another name for I.C.I., and Tatas. So far as Tatas are concerned, they never produced a single ton of chemicals right through the war. The Dharangadhara factory was undoubtedly producing all during the war. Their total rated capacity was somewhere between 18 to 19 thousand tons, but since the war their production has dropped partly because of other difficulties and partly also because of the concern changing hands. It is surprising that in the Report submitted by the Tariff Board they are not willing to take us into their confidence in regard to the cost accounting of the products of these concerns. If there is any secret process involved or some secret materials used, I agree that the position should not be disclosed to the public, but I do not see why any concern manufacturing an article like soda ash should fight shy of placing its books not merely before the Tariff Board but also before the public. So far as the Khewra factory is concerned, it is at the present moment out of the scope of our discussion. I know it for a fact that it now produces only 6,000 or 7,000 tons, though its rated capacity is about 22,000 tons. But that is no longer our funeral; that is Pakistan's funeral. Even the two factories that we have are not producing up to their rated capacity. It is not quite correct to say that their production has dropped merely because a large quantity of soda ash has been dumped into this country under the OGL concession.

In regard to the grant of protection for this industry, as I said, I have no quarrel. In fact the Heavy Chemical Panel which went into the question of this and other industries in 1945-46 had recommended that we should, in spite of the fact that the position of the synthetic soda ash in the world as a whole is rather precarious, in this country try to establish more factories so as to cover a possible demand, as estimated, by them for 1949-50, of 267,000 tons of soda ash. They suggested that a factory should be started near Sindri, a second one in Sind and a third one in South India. Well, possibly the Sindri

factory could not be started merely because anything started in Sindri would be dependent on Salt from Khewra which is now rather difficult to obtain. I do not see any reason why Government has not encouraged the starting of a factory in South India, knowing as I do that there were more than one concern that was interested in the starting of this particular industry in South India. But there it is and we are now left with only two factories whose maximum production capacity is in the region of 46,000 tons.

The estimate of the Tariff Board in regard to our needs has been extremely nebulous. At one stage they take the figures of Panel Report. The Panel estimated the consumption of soda ash by different industries and for washing and cleaning in the country in 1944 to be 1,07,500 tons. The Panel had also envisaged that the consumption of soda ash would rise to be about 2,70,000 tons by 1949. At one stage the Tariff Board says that the estimated annual consumption of soda ash in the country is 90,000 tons, while at another stage they say that the consumption, as estimated by the D.G., I and S., is in the region of 1,20,000 tons. While assessing the stocks that will be left over both from the production of our local plants as also the balance of imported stocks they say that between ten months (July 1948 to April 1949), the consumption was in the region of 1,00,000 tons. So, I cannot understand what they base their recommendations on.

Again, in this report the Tariff Board has made two alternative recommendations in regard to the present stocks in the country and that is really the point that provoked me to speak today. They have suggested that since there are ample stocks in the hands of dealers and importers the only effective way of enabling the two soda ash factories to restart production is to maintain the existing ban on imports of soda ash up to the end of December 1950. Of course, they have made a concession later on, namely to allow an import of 25,000 tons, if necessary, during the second half of 1950. This, I think, is a very pernicious recommendation, not that I have not the greatest respect for the Board and particularly for the erstwhile President of the Tariff Board who is a keen economist and a sound businessman. But I think some of these people are apt to be carried away by the exigencies of the situation and forget the first principles so far as the recommendations which a Tariff Board can possibly make to the Government of a country.

The alternative that has been suggested is the creation of a pool, so that all the goods that are in the hands of importers and the products of these factories could be pooled and distributed to the consuming industries and the public. I want to draw the attention of the House to one particular fact. The Panel estimated that out of the total consumption of 1,07,500 tons in 1944, the quantity consumed for washing and cleaning purposes, that is by the *dhobis*, etc., was about 48,000 tons. During 1944 the industry required only the balance of nearly 60,000 tons. Therefore the House will appreciate that very nearly 46 to 47 per cent. of the total soda ash that was available in the country goes into the hands of people who need it for their livelihood and also for the purpose of keeping our clothes clean. Now the Tariff Board says: "Well, you shut out imports until December 1950" without any assessment of where the stocks are held, whether the stocks are being sold at proper prices, whether there is any control over the prices, whether people who need soda ash in the far away remote villages are getting them. Instead of calculating the effect of these suggestions on the basis of all these factors they merely suggest the banning of imports. In that case what will happen is that a certain amount of soda ash will be in stock in Bombay State as the factories are situated in Bombay. But what will happen in Bengal? Bengal will have no soda ash; South India will have no soda ash and the demands of the *dhobis* cannot be met. On the other hand he will have to pay in the black market at prices

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which would be fantastic. Instead of Rs. 16 per cwt. he will have to pay perhaps Rs. 40 per cwt.

This has been the history of control of imports in this country almost since the end of the war. What we have been doing is that we have been allowing goods to come in freely, then we stop them all of a sudden. The result is that stocks are cornered in particular places, because the speculator always knows that once there is a relaxation of imports a restriction is bound to follow. Therefore I feel that it is a very bad recommendation that the Tariff Board has made without appreciating the situation in the country and without drawing any lessons from the mistakes that the Government have committed in the past in regard to their import policy. I therefore hope that my hon. friend will give the House an assurance that Government will not accept that portion of the recommendation of the Tariff Board to ban imports completely for a period. On the other hand they will have to regulate imports into all parts of India so that each part will get about 5,000 tons every month, which along with the local production will be able to meet the needs of the country. It is possible that imports into Bombay may be banned, because the Bombay factories will be able to cater to the needs of that area but imports to other parts will be necessary. That I think is a wiser and a better way of tackling the problem than the *ad hoc* suggestion made by the Tariff Board which, I am afraid, has been done without any examination or appreciation of the facts of the situation.

Alternatively, if it is possible for Government to create a pool, by calling for particulars of stocks in the hands of people concerned and regulating the inflow of imports, I would welcome that move.

I have no quarrel with the quantum of protection that is proposed to be given. I know very well that from the point of view of efficiency our factories are C. 3 and it will be very difficult for them to compete in the matter of synthetic soda ash with the I.C.I. who are able to scope it out of the Magadi lake. But I do welcome protection to any industry, however inefficient it may be. An inefficient child is nevertheless our own child. On the other hand I do not want this large class of consumers who buy soda ash for the purpose of washing and cleaning, to be affected by any policy that Government may follow by accepting, without examination, the recommendations of the Tariff Board. If my hon. friend will give me that assurance, I have no doubt he will carry with him the whole House in regard to the motion before the House.

Prof. Banga (Madras): I would take only two minutes of the time of the House. I am entirely in favour of Mr. T. T. Krishnamachari's suggestion that the *dhobis* in this country should also be protected and I hope that Government will take steps to give effect to it. I am also in favour of creating a pool so that the consumers also will be protected.

The third point is I want Government to make sure that these industries which are sought to be protected do carry on their production up to their fullest possible capacity. In the case of two of these industries they propose only to give as much as these industries have been getting till now, only in a different shape. But till now they have not been able to produce more than 30 per cent. of their full capacity in one instance, and 50 or 45 per cent. of their full capacity in the other. Therefore it is the duty of Government to devise ways and means by which they can possibly see that this protection that they are giving will really result in additional production and not merely in perpetuating the inefficient baby which will always need this sort of forced-feeding.

Shri Gadgil: I am grateful to my hon. friend Mr. T. T. Krishnamachari. All I can assure him is that the point of view he has pressed will be given due consideration.

Mr. Chairman: The question is:

"That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration."

The motion was adopted.

Clauses 1 and 2 were added to the Bill.

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

Shri Gadgil: I beg to move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

The House then adjourned till a Quarter to Eleven of the Clock on Saturday, the 15th April, 1950.