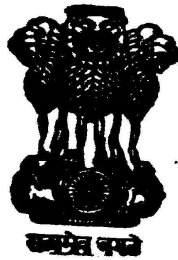


Monday, 18th December, 1950



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT



THIRD SESSION (FIRST PART)

of the

PARLIAMENT OF INDIA

(1950)

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CONTENTS

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

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

CONTENTS

	Columns
Wednesday, 13th December, 1950—	
Oral Answers to Questions	847—79
Written Answers to Questions	879—86
Thursday, 14th December, 1950—	
Oral Answer to Questions	887—912
Written Answers to Questions	912—26
Monday, 18th December, 1950—	
Oral Answers to Questions	927—63
Written Answers to Questions	963—1016
Tuesday, 19th December, 1950—	
Oral Answers to Questions	1017—45
Written Answers to Questions	1045—70
Wednesday, 20th December, 1950—	
Member sworn	1071
Oral Answers to Questions	1071—97
Written Answers to Questions	1097—1124
Thursday, 21st December, 1950—	
Oral Answers to Questions	1125—32
Friday, 22nd December, 1950—	
Oral Answers to Questions	1133—36

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

927

928

PARLIAMENT OF INDIA

Monday, 18th December, 1950

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

CENTRAL INTELLIGENCE DEPARTMENT

*985. **Shri Kesava Rao:** (a) Will the Minister of Home Affairs be pleased to state what is the strength of the Central Intelligence Department?

(b) What was the strength of this Department before August, 1947?

The Minister Without Portfolio (Shri Rajagopalachari): (a) and (b). I am sorry to have to say that Government feel in present circumstances it is not in the public interest to expose our Central Intelligence arrangements to public view.

Shri Kamath: Are any arrangements made to have the officers of this Criminal Intelligence Bureau trained in Scotland Yard in England and the F.B.I. Department in U.S.A.?

Shri Rajagopalachari: If the hon. Member is referring to criminal intelligence, I may say that this question deals with the Central Intelligence Department.

Shri Kamath: No, Sir, I mean "Central".

Mr. Speaker: The hon. Member means "Central".

Shri Rajagopalachari: A separate question may be put, Sir.

Shri Kesava Rao: May I know if it is a fact that the strength of the Central Intelligence Department is being increased every year?

Shri Rajagopalachari: I have already said that it is not in the public interest to explain these things.

246PSD

RECOMMENDATIONS OF UNIVERSITY COMMISSION

*986. **Shri Kesava Rao:** (a) Will the Minister of Education be pleased to state what are the recommendations of the University Commission?

(b) Which of these are proposed to be implemented?

(c) Of those proposed to be implemented, how many have been actually taken up for implementation?

مستور آف ایجوکیشن (مولانا آزاد) :
(اے) — مہربانی کر کے یونیورسٹی کمیشن کی رپورٹ دیکھ لیجئے جو چھپ گئی ہے اور جس کی کہ کاپیاں ہاؤس کی لائبریری میں موجود ہیں۔
(بی اور سی) — معامے پر غور کیا جا رہا ہے۔

[**The Minister of Education (Maulana Azad):** (a) The attention of the hon. Member is invited to the Report of the University Education Commission which has already been published and copies of which are available in the Library of the House.

(b) and (c). The matter is under examination.]

सेठ गोविन्द दास : क्या मैं यह जान सकता हूँ कि इस मामले पर शीर करते हुए, इतना बक्त बीत जाने पर भी अभी तक कुछ नहीं हुआ है। इसलिये अभी क्या उम्मीद की जाय कि इस मामले में कब तक कुछ न कुछ निर्णय हो जायगा ?

[**Seth Govind Das.** Since nothing has yet been done in the matter although it has been under consideration for such a long time. when, we should hope, will some sort of decision be taken?]

مولانا آزاد : یونیورسٹی کمیشن نے جو سفارشاتیں کی ہیں وہ تین طرح کی ہیں - کچھ سفارشاتیں تو ایسی ہیں جن کا لگاؤ یونیورسٹیوں سے ہے - کچھ ایسی ہیں جن کا لگاؤ اسٹیٹ گورنمنٹوں سے ہے اور کچھ ایسی ہیں جن کا کہ تعلق سینٹرل گورنمنٹ سے ہے - جہاں تک پہلی دو قسموں کا تعلق ہے ہم یونیورسٹیوں اور اسٹیٹ گورنمنٹوں سے خط و کتابت کر رہے ہیں - کچھ یونیورسٹیوں کی رائے آئی ہے کچھ کی ابھی تک نہیں آئی ہے - کچھ اسٹیٹ گورنمنٹوں نے اپنی رائیں بھیج دی ہیں اور کچھ اسٹیٹ گورنمنٹوں کی رائیں ابھی تک نہیں آئی ہیں ان کا انتظار کیا جا رہا ہے - جہاں تک ان سفارشاتوں کا تعلق ہے کہ جو سینٹرل گورنمنٹ سے تعلق رکھتی ہیں - ان میں کچھ تو ایسی ہیں کہ جن کے لئے روپیئے کا سوال نہیں پیدا ہوتا - ان پر غور کیا جا رہا ہے - کچھ ایسی ہیں جن کے لئے خاص طور پر روپیئے کا انتظام ہونا چاہئے اور جو حالت اس وقت فائینشیل ہو رہی ہے اسے دیکھتے ہوئے امید نہیں ہے کہ جلدی ہم ان سفارشاتوں کو عمل میں لاسکیں گے -

[Maulana Azad: The recommendations made by the University Commission are of three kinds. Some of them are such as relate to the universities, some relate to the State Governments while some others concern the Central Government. So far as the first two are concerned we are in correspondence with the universities and the State Governments. The views of some of the universities have been received while those of others have not yet been received. Some of the

State Governments have sent in their views while others have not done so; their views are being awaited. As for the recommendations which concern the Central Government there are some which do not involve financial considerations, and these are being considered, while there are others which call for a special provision of finances; but in view of the existing financial stringency, it is not expected that we would be able to act upon these recommendations at an early date.]

سید गोविन्द दास : जहां तक युनिवरसि-टियों और स्टेट सरकारों का सम्बन्ध है, क्या गवर्नमेंट ने उनके पास कोई इस तरह की तारीख भेजी है, कि जो कुछ उन्होंने इस मामले पर कहना है वह फ़लां फ़लां तारीख तक कह कर अपनी रायें सेन्ट्रल गवर्नमेंट के पास भेज दें ?

[Seth Govind Das: In so far as the universities and the State Governments are concerned have the government fixed any date by which they are required to express whatever views they wish to express in the matter and send the same to the Central Government?]

مولانا آزاد : نہیں کوئی خاص تاریخ تو مقرر نہیں کی گئی تھی لیکن امید کی جاتی تھی کہ جلد سے جلد اپنی رائیں بھیج دیں گے بار بار انہیں یاد بھی دلایا گیا ہے اب اور کوشش کی جائیگی کہ جلد سے جلد ان کے جوابات مل جائیں -

[Maulana Azad: No particular date was fixed but it was expected that they would be sending their views at their earliest. They have also repeatedly been reminded. Renewed efforts will now be made to obtain their replies as early as possible.]

श्री त्यागी : क्या देहात के

[Shri Tyagi: Do villages.....]

Mr. Speaker: Order, order.

Shri Brajeshwar Prasad: Do Government propose to secure the approval of the House on the recommendations of the University Commission?

مولانا آزاد : ہاؤس کو پورا موقع حاصل ہے کہ وہ جس معاملے پر چاہے فوراً کرے۔ لیکن جو طریقہ کام کے پہلے سے چلا آتا ہے وہ یہ نہیں ہے کہ یہ باتیں براہ راست ہاؤس کے سامنے رکھی جائیں سنگلر ایجوکیشن بورڈ میں ہاؤس کے نمائندے موجود ہیں اور وہ اس پر غور کر چکا ہے۔ انگریزوں کی بورڈ کی بھی رائے لی گئی ہے۔

[Maulana Azad: The House has the fullest right to consider any matter it likes but according to past practice these matters are not required to be brought direct before the House. Representatives of the House are there on the Central Advisory Board which has already considered the matter. The views of the Inter Universities Board have also been ascertained.]

ANTI-MALARIAL DRUGS

*987. **Shri S. C. Samanta:** (a) Will the Minister of Health be pleased to state what are the new anti-malarial drugs that have been experimented and put to use in the treatment of malarial infections?

(b) Which of those drugs are more economical and convenient?

(c) What are the institutes that are engaged in the research of anti-malarial drugs except the Malaria Institute of India and what sort of help are they receiving from the Malaria Institute of India?

The Minister of Health (Rajkumari Amrit Kaur): (a) So far as Government of India are aware, the new anti-malarial drugs developed during and after World War II are:

- (i) Paludrine.
- (ii) Chloroquine, and
- (iii) Pentaquine.

(b) Paludrine,

(c) Such institutes are:—

- (i) Haffkine Institute, Bombay,
- (ii) Indian Institute of Science, Bangalore,
- (iii) School of Tropical Medicine, Calcutta, and
- (iv) Bengal Immunity Research Institute, Calcutta.

The Malaria Institute of India supplies them blood infected with bird and monkey malaria parasites. It also carries out biological assays of the various synthetic compounds prepared by the Indian Institute of Science, Bangalore, and supplies anti-malarial drugs to the School of Tropical Medicine, Calcutta, for conducting hospital trials on human malaria.

Shri S. C. Samanta: Have Ayurvedic medicines been experimented upon and put to use in the treatment of malarial infections?

Rajkumari Amrit Kaur: Not in Government institutions.

Shri S. C. Samanta: Is Government aware that Homeopathic and Ayurvedic medicines give good results in regard to malarial infections?

Rajkumari Amrit Kaur: A certain amount of experiment has been made. But so far as I am aware, the results of our enquiry have been that the synthetic drugs that are employed by modern medicine yield much quicker and more satisfactory results.

Shri B. K. Das: What drug has been generally used by W.H.O. in their anti-malarial campaign?

Rajkumari Amrit Kaur: The W.H.O. anti-malarial campaign is a campaign to prevent and abolish malaria from certain regions. Drugs are not used there but spraying is done by D.D.T. but all cases that are treated in those regions are treated by means of quinine and synthetic drugs.

TERRITORIAL ARMY

*988. **Prof. S. N. Mishra:** Will the Minister of Defence be pleased to state whether the target fixed for the first raisings for the Territorial Army has been reached?

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

Prof. S. N. Mishra: May I know what is the target strength for it?

Major-General Himatsinhji: The ultimate strength, as already publicly announced, is 130,000 troops for the Territorial Army. However, even in the first stage, we have reached 70 per cent.

Prof. S. N. Mishra: May I know what steps have been taken so far to keep up the target? If not, may I know the reasons for it?

Major-General Himatsinhji: The response from the public has been poor. Therefore the Defence Ministry has started a field propaganda filip.

These propaganda activities will be in full swing very soon. The response is poor on two accounts. One is the lack of public response and secondly it is my own opinion that the Home Guards are more popular because they are paid all the year round and have security of service while the Territorial Army is only paid two months in a year.

Prof. S. N. Mishra: Are Government aware of the public feelings with regard to not keeping up the target in the present international situation?

Major-General Himatsinhji: I should like to read what should be the policy of the Government and the people from a paragraph of a statement in a paper some time ago. "The defence and security of a country depends not merely upon its professional army but also upon the capacity and willingness of the nation as a whole to fight for the country. Modern wars are fought not between professional armies but entire nations. For this reason all advanced nations raise citizen armies." If I am allowed to quote a few lines from a speech in 1942 of some one now sitting in the House, it reads: "His conception of defence was different from that of the Government, that it was not keeping a regiment here and a regiment there. He wanted, he said, to mobilize hundreds of millions of Indians." That person is now the leader of the Government and therefore the policy of the Government is according to that conception of defence. It is up to the Members of the House to instil that conception into the people whom they represent.

Shri Frank Anthony: In view of the urgent need of building up a second line defence, is Government considering any steps to disband the Home Guards, curtail recruitment and concentrate all efforts on the building up of an adequate territorial force?

Major-General Himatsinhji: That is a question to be addressed to the provinces.

Shri Tyagi: Has any appeal or request been made to the Home Guards organisation to volunteer themselves for emergency service in the Army?

Major-General Himatsinhji: Propaganda is going on by showing films, by having talks with them, by having recruitment melas, etc. But as I said, they are employed for 12 months in a year, while territorials are employed only for two months in a year.

Shri B. K. Das: Is any special machinery set up for recruitment or is it done by the provincial Governments?

Major-General Himatsinhji: A special recruiting machinery is set up by the Headquarters of the Territorial Army in Delhi.

Shri Kamath: Something was said about the popularity of Home Guards. Is that the personal opinion of the Minister or is it Government's view?

Major-General Himatsinhji: I said it was my personal opinion, Sir.

Prof. Ranga: May I know whether all the States are developing their Home Guards and whether the training given to the Home Guards is of the same standard as that for the Territorials?

Major-General Himatsinhji: No, Sir; that can never be comparable to the standard of the Territorials. That is not run by the Defence Department.

Prof. Ranga: Are all the States developing their Home Guards?

Major-General Himatsinhji: As best they can, they are doing so.

INDUSTRIAL ENTERPRISES

*991. **Shri Kishorimohan Tripathi:** Will the Minister of Finance be pleased to state the total investments made by the Government of India in industrial enterprises either wholly or partly owned by Government during the period August, 1947 to August, 1950?

The Minister of Finance (Shri C. D. Deshmukh): The total investment made by the Government of India in such industrial enterprises between the period August, 1947 and August, 1950 is Rs. 27.45 crores.

Shri Kishorimohan Tripathi: May I know the names of the important industries in which this investment has been made?

Shri C. D. Deshmukh: The more important industries are:

The Fertiliser Project Sindhri, 16.50 crores.

Chittaranjan Locomotive Works, 7.87 crores.

Government Housing Factory, 53 lakhs.

Indian Telephone industries, 92 lakhs.

The Indian Rare Earths Ltd., 36 lakhs.

The Hindustan Aircrafts Ltd., 1 crore.

The Indian Mining and Construction Co., 22 lakhs.

Shri Kishorimohan Tripathi: Have these investments been made out of public borrowings or in part from the Central revenues?

Shri C. D. Deshmukh: There is no distinction possible. They have been out of the total resources available to Government.

Shri Jhunjhunwala: How much of this investment has been in fully Government-owned industries and how much in partly owned industries?

Shri C. D. Deshmukh: Most of them are Government-owned. There may be a small share in the Hindustan Aircraft Ltd., but the bulk of it is Government-owned.

Shri A. C. Guha: How many of these are of the type of Corporations, and how many limited companies?

Shri C. D. Deshmukh: There is no private limited company.

Shri A. C. Guha: I said limited company.

Shri C. D. Deshmukh: The Hindustan Aircraft Ltd. is a limited company. The Indian Rare Earths Limited is a limited company. The rest of them are neither companies nor corporations. The question of the type of organisation which should be adopted in their case has recently been decided by Government and the decision is going to be implemented soon.

Shri T. N. Singh: May I know in which of these concerns Government has taken less than a 50 per cent share?

Shri C. D. Deshmukh: None, Sir.

सेठ गोविन्द दास : क्या कोई ऐसी भी इन्डस्ट्रीज हैं जिन इन्डस्ट्रीज को स्टेट गवर्नमेन्ट्स ने आरम्भ किया था और उन इन्डस्ट्रीज को सेन्ट्रल गवर्नमेन्ट ने मदद देने का वादा किया था लेकिन अब तक वह मदद नहीं दी जा सकी ?

[**Seth Govind Das:** Are there any industries that were started by State Governments and the Central Government had promised to help them but it has not been possible to give that help so far?]

श्री सी० डी० देशमुख : जहाँ तक मुझे मालूम है ऐसी कोई इन्डस्ट्रीज नहीं हैं ।

[**Shri C. D. Deshmukh:** So far as I know there are no such industries.]

Mr. Speaker: I am going to the next question.

TECHNICAL SCHOOLS FOR DISABLED SOLDIERS

*992. **Dr. R. S. Singh:** (a) Will the Minister of Defence be pleased to state whether there are any technical schools in India for disabled Indian soldiers?

(b) If so, what is the number of such schools at present?

(c) How many disabled Indian soldiers have been admitted in these schools?

The Deputy Minister of Defence (Major-General Himatsinghji): (a) Yes.

(b) Three. These are:

(i) Services Convalescent Rehabilitation Centre, Bareilly,

(ii) Training Centre for the Adult Blind, Dehra Dun, and

(iii) Queen Mary's Technical School, Kirkee.

(c) 161.

(i) Actual number under training at Services Convalescent Rehabilitation Centre is 58.

(ii) Actual number of disabled ex-servicemen under training at Training Centre for Adult Blind, Dehra Dun is 23.

(iii) Actual number of disabled ex-servicemen under training at Queen Mary's Technical School, Kirkee is 80.

Dr. R. S. Singh: May I know how this Technical School is maintained, whether by donations, or from funds earmarked for that purpose?

Major-General Himatsinghji: Which particular one of these three?

Dr. R. S. Singh: The Technical School which is in existence

Major-General Himatsinghji: The Queen Mary's Technical School, Kirkee is a private institution and it receives grants from the Armed Forces Reconstruction Fund. It is designed to train 100 men. The following trades are taught in that school and the period of training varies from six months to 1½ years according to the trades, which are

taught: hand and power loom weaving, hosiery knitting, carpentry, tailoring, electricity, oil engine driving, and milling. The disabled ex-servicemen are given free boarding and lodging and clothing. They are also given Rs. 12 a month as pocket money and wages for the work done. On completion of the training, the Institution assists the ex-servicemen in securing employment through the Employment Exchange organisation.

Dr. R. S. Singh: May I know whether any aid is given to the Queen Mary's Technical School from the Armed Forces Reconstruction Fund?

Major-General Himatsinhji: I said so; they are given a grant from the Armed Forces Reconstruction Fund.

Dr. R. S. Singh: Since how long is this School in existence?

Major-General Himatsinhji: I have not got that information with me.

Dr. R. S. Singh: May I know whether any vocational training is given to the disabled Indian soldiers?

Major-General Himatsinhji: I have read out a list of trades in which training is given.

Pandit Munishwar Datt Upadhyay: May I know if any of the trained soldiers have been employed, and if so, how many?

Major-General Himatsinhji: I said they are helped to get employment and they are given employment. I cannot give their actual number at present, as I do not have the information with me.

TRAVANCORE COINS

*993. **Shri Lakshmanan:** Will the Minister of Finance be pleased to state:

(a) whether Government have taken any decision regarding the withdrawal of Travancore Coins from circulation;

(b) whether any date line has been fixed for the withdrawal; and

(c) what is the net loss that the Travancore-Cochin Government are likely to incur on account of this?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes, Sir. It has been decided to withdraw the coins.

(b) No, Sir.

(c) The Government of Travancore-Cochin will not incur any loss on account of this, as the loss will be borne by the Government of India.

Shri Tyagi: May I know how much will be the loss approximately?

Shri C. D. Deshmukh: The total value of the Travancore coins in circulation on 14th August 1949 has been estimated to be 60.74 lakh Travancore Rupees. The loss is defined as the difference between the nominal value of the coins and their bullion value. I do not quite know what their bullion value will be; but it will be comparatively small and the difference will be the loss.

Shri Tyagi: I did not want a definition of the loss. I wanted to know what loss is anticipated.

Mr. Speaker: He has said that he cannot give the amount because he is not aware of the real bullion value of the rupees.

Shri Tyagi: May I know whether Government has taken over the liability without approximately knowing as to what would be the loss on that account?

Shri C. D. Deshmukh: Yes, Sir, because there will be a profit when we issue our currency.

DOCUMENTARY FILMS

*994. **Shri Lakshmanan:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether any documentary films have been sent to the United Kingdom by the Films Division;

(b) if so, what for they were sent and with what result; and

(c) what is the total expenditure incurred on the Films Division during the current financial year till the end of September?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) Yes, Sir. A list of documentary films sent is laid on the Table of the House. [See Appendix VII, *annexure No. 25.*]

(b) The films are sent with a view to project India to the people of that country. They are at present being utilised for non-commercial exhibition and reports received indicate that they are appreciated.

(c) Rs. 13,16,647.

Shri Lakshmanan: Sir, may I know if any of these films have come under the review of the film magazines in the United Kingdom?

Shri Diwakar: Which magazine?

Shri Lakshmanan: Film magazines in the United Kingdom.

Shri Diwakar: I am not aware.

सेठ गोविन्द दास : क्या सरकार के पास इस तरह की भी कोई सूचना किसी देश से आई है कि वहां पर लोग इन फ़िल्मों को टिकट पर भी देखने के लिए तैयार हैं, और अगर ऐसी कोई सूचना आई है तो गवर्नमेन्ट इसके लिए भी क्या कोई इन्तिज़ाम कर रही है और फ़िल्मों को बढ़ा रही है ?

[**Seth Govind Das:** Has the Government received any intimation from any country to the effect that people there are even prepared to see these films on a ticket, and, if so, is the Government making any such arrangements and increasing the number of films?]

श्री दिवाकर : उस पर अभी विचार चल रहा है ।

[**Shri Diwakar:** This is still under consideration.]

Shri M. L. Gupta: Sir, are there any schemes under contemplation of the Government to popularise the results of research institutes through the means of these films?

Mr. Speaker: I could not catch the question.

Shri Diwakar: Neither could I, Sir.

Shri M. L. Gupta: I wanted to know, Sir, if there is any scheme before the Government to popularise the results of research institutions through these documentary films, and has the Agricultural Department approached Government for this purpose?

Mr. Speaker: What research institution?

Shri M. L. Gupta: The Pusa Research Institute.

Mr. Speaker: It is not clear to me as to what the hon. Member wants.

Shri Diwakar: I could not understand the question.

Shri Lakshmanan: Sir, how many information films have been produced during this financial year?

Shri Diwakar: I do not have their number just now here.

Shri Kamath: Is there any scheme for the exchange of our documentaries with those of other countries?

Shri Diwakar: There is no such scheme at present.

Shri Kamath: Is there any under contemplation?

Shri Diwakar: When such a proposal comes, we shall gladly consider it.

Shri M. L. Gupta: May I know, Sir, if the documentary films will be used for educative purposes?

Mr. Speaker: The question relates to films sent to the United Kingdom.

We go to the next question.

CENTRAL COMMITTEE OF CANTONMENTS

*995. **Shri Tyagi:** (a) Will the Minister of Defence be pleased to state the number of official, and non-official members appointed by Government on the Central Committee of Cantonments?

(b) Is it a fact that no non-official member or resident of any Cantonment Board in India has been appointed a member of this Central Committee on Cantonments?

(c) When was the Committee appointed and what progress in the work has the Committee so far made?

(d) Has any witness been examined or has any Cantonment been visited by this Committee?

(e) What are the terms of reference of this Committee?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) Official members—5.

Non-Official members—3 (including the Chairman).

(b) No.

(c) 28th May, 1949. Considerable progress has been made and the Committee hopes to complete its work within the next three or four months.

(d) No.

(e) The terms of reference of this Committee are stated in Government of India, Ministry of Defence, letter No. 6/1/G/D8 (a)/49/394-G, dated the 17th January 1949 and are quite comprehensive. A copy of this letter is laid on the Table of the House. [See Appendix VII, annexure No. 26.]

Shri Tyagi: Sir, most of the answer was oblique and I could not understand it.

Mr. Speaker: The obliques refer to those in the number of the letter of the Government of India which is laid on the Table of the House and which contains the terms of reference to the Committee.

Shri Tyagi: Sir, may I know if the question of transferring the civil areas in the cantonments to the various State Governments is also receiving the consideration of this Committee or not?

Major-General Himatsinhji: It is under the active consideration of this Committee.

Shri Tyagi: Thank you.

Shri Kamath: Sir, how many meetings of this Committee have been held since it was constituted?

Major-General Himatsinhji: I have got the information in my papers and I can read.....

Shri Kamath: I wanted to know the number of meetings of this Committee.

Major-General Himatsinhji: There were more than eight meetings called. Unfortunately some of the members of the Committee were not able to attend the meetings and therefore, there has been delay in the submission of the final report of the Committee.

Shri Kamath: Is it a fact that the Committee could not meet oftener because the Chairman of the Committee was sometimes away from India and afterwards.....

Mr. Speaker: Order, order. I think this question was answered some time back, though I do not remember when.

Shri Jajoo: Sir, is it a fact that because the report of the Committee has not been finalised, the life of the cantonment board in Mhow has been extended from time to time?

Major-General Himatsinhji: That cantonment is in Class B State and elections will take place shortly.

Shri Jajoo: Is not that cantonment governed by the Cantonments Act?

Major-General Himatsinhji: It is now governed by Cantonment Act II of 1924, since quite recently.

Shri Gautam: Sir, may I know what steps the Government are taking to expedite the submission of the report?

Major-General Himatsinhji: As I said, the report will be completed in three or four months, if certain more important members of the Committee do not go on foreign tours.

DISPLACED STUDENTS

*997. **Shri Balmiki:** Will the Minister of Education be pleased to state:

(a) the number of displaced students in the Centrally Administered Areas in the years 1949 and 1950; and

(b) what facilities in regard to fees and scholarships are being provided to them?

منسٹر آف ایجوکیشن (مولانا آزاد):

(ا) — سہ ۴۹-۵۰ میں ۷۷۷۳۸ کے

لگ بھگ تعداد تھی۔

(بی) — ایک اسٹیٹمنٹ ہاؤس

کی ٹیبل پر رکھ دیا گیا ہے۔

[The Minister of Education (Maulana Azad): (a) The approximate number of displaced students in the Centrally Administered Areas during the session 1949-50 was 77,738.

(b) A statement is placed on the Table of the House. (See Appendix VII, annexure No. 27.)]

श्री बाल्मीक : क्या माननीय मंत्री बतलाने की कृपा करेंगे कि इन सालों के अन्दर डिस्प्लेस्ड स्टूडेंट्स के वजीफों के लिए कितना रुपया मुकर्रर किया गया ?

[Shri Balmiki: Will the hon. Minister be pleased to state what amount was fixed for the award of scholarships to displaced students for these years?]

مولانا آزاد : جو اسٹیٹمنٹ ہاؤس

کے سامنے رکھا گیا ہے اس میں تمام

تفصیل دے دی گئی ہے۔

[Maulana Azad: All the details have been set down in the statement that has been placed before the House.]

श्री बाल्मीक : इसमें हरिजन डिस्प्लेस्ड स्टूडेंट्स के लिये कितना रुपया रखा गया है ?

[Shri Balmiki: What is the amount provided for displaced Harijan students?]

مولانا آزاد : نہیں — اس طرح کا

کوئی الگ حساب نہیں رکھا جاتا۔

چلتے دسپلوسڈ اسٹوڈینٹس میں سب

کی مدد کی جاتی ہے۔

[Maulana Azad: No separate account of that kind is maintained. All displaced students are helped.]

श्री बाल्मीक : इस तरह के वारक्यात सामने आये हैं कि जो डिस्प्लेस्ड हरिजन विद्यार्थी पढ़ रहे हैं न उनकी फीस माफ़ होती है और न उनको वजीफ़ा मिलता है।

[Shri Balmiki: Cases have come to notice of displaced Harijan students who neither have their fees remitted nor obtain a scholarship.]

مولانا آزاد : اس طرح کا کوئی معاملہ گورنمنٹ کے علم میں نہیں آیا ہے۔ اگر اس طرح کی کوئی شکایت گورنمنٹ کے سامنے آئے گی تو اس کے لئے پوری کوشش کی جائے گی۔

[Maulana Azad: No such case has been brought to the notice of the Government. If any such complaint is brought to the notice of the Government every effort will be made to have the same redressed.]

पंडित मुनीश्वर दत्त उपाध्याय : क्या इन डिस्प्लेस्ड विद्यार्थियों में से यह सुविधायें उन्हीं को दी जाती हैं जो विशेष स्कूलों में पढ़ते हैं, या सभी को दी जाती हैं चाहे वह कहीं भी पढ़ते हों ?

[Pandit Munishwar Datt Upadhyay: Are these facilities granted to only such displaced students as are studying in some particular schools or are they made available to all of them wherever they may be studying?]

مولانا آزاد : سب کو مدد دی جاتی ہے۔ یہ دیکھو کہ کس کی حالت کھسی ہے۔ جس کی حالت ایسی ہے کہ اس کی مدد ہونی چاہیئے اسکی مدد کی جاتی ہے۔

[Maulana Azad: They are all helped with due regard to their respective circumstances. Anyone who is found deserving of help is helped.]

TENANTS IN HIMACHAL PRADESH

*998. **Dr. Parmar:** (a) Will the Minister of Health be pleased to state whether it is a fact that tenants in Chini Tehsil, District Mahasu, Himachal Pradesh have actually to live in Caves due to shortage of houses?

(b) Is it proposed to provide them with houses and if so, when?

The Minister of Health (Rajkumari Amrit Kaur): (a) It is not a fact that tenants in Chini Tehsil live in Caves.

(b) Does not arise.

Dr. Parmar: May I know if it is a fact that the tenants in this Tehsil, particularly the Scheduled Castes, have to live in the most inhuman and insanitary conditions?

Rajkumari Amrit Kaur: No. I am not aware that they are living there in conditions worse than elsewhere.

Dr. Parmar: Is it a fact that a whole family has to live in one single room in most cases?

Mr. Speaker: These are matters of detail, the hon. Member can get these details and make suggestions in other ways. We go to the next question.

FOREIGN SCHOLARSHIPS

*999. **Prof. K. K. Bhattacharya:** (a) Will the Minister of Education be pleased to state how many Indian students have obtained Government of India scholarships for prosecution of studies abroad in 1949-50?

(b) What are their subjects for study?

(c) Does the Union Public Service Commission select such students and if not, why not?

(d) What was the amount allotted for this purpose for the year 1949-50?

منسٹر آف ایجوکیشن (مولانا آزاد):
(ا) —سنہ ۱۹۴۹-۵۰ میں کوئی اسکالرشپ نہیں دیا گیا۔
(بی) —یہ سوال اب پیدا نہیں ہوتا۔

(سی) —جو اسکالرشپ سب کے لئے کہے ہیں ان کا سلیکشن یونین پبلک سروس کمیشن کرتا ہے۔ جو اسکالرشپ ایسے لوگوں کو دئے جاتے ہیں جو کوئی نہ کوئی پوسٹ رکھتے ہیں۔ ان کا سلیکشن ایک سلیکشن بورڈ کرتا ہے جس میں یونین پبلک سروس کمیشن

کا بھی ایک ممبر رکھا جاتا ہے -

(تی) یہ سوال پیدا نہیں ہوتا -

[The Minister of Education (Maulana Azad): (a) Nil.

(b) Does not arise.

(c) In the case of open scholarships, the selection is made by the Union Public Service Commission; in the case of scholarships awarded to those already holding posts in India, the selection is made by a Special Selection Board.

(d) Nil.]

Prof. K. K. Bhattacharya: Is it the intention of the Government to allot scholarships during 1950-51?

مولانا آزاد: ہاں سنہ ۱۹۵۰-۵۱ء

میں ۲۳ اسکالرشپ دئے گئے ہیں -

[Maulana Azad: Yes, 23 scholarships have been awarded during the year 1950-51.]

Prof. K. K. Bhattacharya: What are the subjects for which scholarships were awarded?

مولانا آزاد: سبجیکٹس کی نسبت

تو میرے پاس موجود ہے - مگر بہت

لمبی ہے اور ہاؤس کا بہت وقت چائے گا

— ریڈیو انجینئرنگ وغیرہ -

[Maulana Azad: I have the list of subjects with me but it is very long and is likely to take much time of the House. They are radio engineering etc.]

Prof. K. K. Bhattacharya: In view of the fact that special course for M.A. in Diplomacy and Foreign Affairs has been instituted in the Allahabad University, do Government contemplate sending students from those who have passed these subjects to different Universities in U.K. and U.S.A.?

مولانا آزاد: نہیں - اس طرح کا

کوئی معاملہ سنٹرل گورنمنٹ کے

سامنے ابھی نہیں آیا ہے اور انڈیا

یونیورسٹی کا معاملہ اسٹیٹ گورنمنٹ

سے تعلق رکھتا ہے -

[Maulana Azad: No, no such question has yet come up before the Central

Government. The affairs of the Allahabad University are the business of the State Government concerned.]

Shri R. Velayudhan: May I know whether any scheduled caste students were also selected among these lists?

مولانا آزاد: اس طرح کے سلیکشن

میں یہ بات نہیں دیکھی جانی کہ

کون کس کاسٹ کا ہے - سلیکشن

میرٹ (merit) کو دیکھ کر کیا جاتا ہے -

شڈولڈ کاسٹ کے آدمی ہوں یا کوئی ہو -

[Maulana Azad: In a selection of that kind it is not considered who belongs to which caste. The selection is made on the basis of merit, regardless of the fact whether a person belongs to a scheduled caste or to any other caste.]

سےٹ گووینڈ داس: क्या इस बात

का ख्याल रखा गया है कि ऐसे ही विषयों

के अध्ययन के लिये विद्यार्थी बाहर भेजे

जाय और उनको स्कालरशिप दी जाये जो

यहाँ पर नहीं पढ़ाये जाते हैं ?

[Seth Govind Das: Has the consideration been kept in view that students should be sent abroad and scholarships awarded to them only for such subjects as are not taught here?]

مولانا آزاد: یہ نئی اسکیم جو اب

شروع کی گئی ہے یہی بات سامنے

رکھ کر شروع کی گئی ہے کہ صرف

انہیں سبجیکٹس کے لئے باہر بھیجا

جانا چاہئے جن کے لئے بھروسے بغیر

چارہ نہیں -

[Maulana Azad: The new scheme that has now been initiated has been brought forward with just that end in view, viz., that students should be sent abroad only for those subjects instruction in which cannot otherwise be provided for.]

श्री कृष्णदेवराव सख: गवर्नमेंट स्कालर-

शिप पर बाहर फौरन स्टडी से लौटे हुए

कितने विद्यार्थी काम पर लगाय गये हैं ?

[Shri Krishnadevarao Sakh: How many of the students sent abroad for studies

on Government scholarships have been provided employment on their return?]

Mr. Speaker: This has been repeated a number of times.

श्री टी० ऐन० सि०: मैं यह जानना चाहता हूँ कि किन कारणों से सन् १९४९-५० में कोई स्कारलरशिप नहीं दी गयी ?

[Shri T. N. Singh: May I know the reasons why no scholarship was awarded in 1949-50?]

मौलانا आज़ाद : اسلئے کہ پچھلی اسکیم جو سنہ ۱۹۴۴ع سے آرہی تھی اس میں بہت سی خرابیاں تھیں - سٹاؤس کے ممبروں نے بھی انہیں محسوس کیا تھا - اور گورنمنٹ پر زور ڈالا تھا کہ اب نئے سرے سے معاملہ پر سوچ وچار ہونا چاہئے - چنانچہ پچھلی اسکیم بند کر دی گئی اور ایک نئی اسکیم کا نقشہ تیار کیا گیا اس لئے سنہ ۱۹۴۹-۵۰ء میں کوئی اسکالرشپ نہیں دیا جا سکا -

[Maulana Azad: This was due to the fact that the former scheme which had been in force since 1944 suffered from various defects, which were also noticed by the Members of this House, who pressed upon the government that the matter should be considered afresh. Accordingly the old scheme was abandoned and a new one drawn up. It was for this reason that no scholarship could be awarded in the year 1949-50.]

FULBRIGHT AND SMITH-MUNDT SCHEME

*1000. Pandit Munishwar Datt

Upadhyay: (a) Will the Minister of Education be pleased to state what is the significance of Smith-Mundt Act?

(b) How many students have already proceeded to U.S.A. under the Fulbright and Smith-Mundt scheme?

(c) How many persons are likely to be exchanged between the two countries in 1951?

مستتر آف ایجوکیشن (مولا آزاڈ) :

(ا) - اسلئے - منٹ اسکیم پبلک لاء

۴۰۲ کے نام سے پکارا جاتا ہے - اس ایکٹ کے ذریعے یو - ایس - گورنمنٹ نے ایک ٹاکر فنڈ اس مطلب کے لئے نکالا ہے کہ انڈیا اور یو - ایس - ایس میں ایک دوسرے کے علم اور قابلیت سے فائدہ اٹھائیں - یہاں کے آدمی وہاں جائیں - وہاں کے آدمی یہاں آئیں - اس بارے میں جو موٹی موٹی باتیں سامنے رکھی گئی ہیں وہ یہ ہیں -

(۱) ایجوکیشنل ایکسچینج - یعنی دونوں ملکوں کے ویدیارتھیوں، ریسرچ اسکالروں، اور پروفیسروں میں ایکسچینج -

(۲) انڈین ٹیچرس اور گورنمنٹ ملازموں کے لئے یو - ایس - اے - میں ٹریننگ -

(۳) پبلک اوپینیشن کے ایسے لیڈر جنہوں نے قومی زندگی کے خاص خاص میدانوں کی دیکھ بھال کی ہے ایک ملک سے دوسرے ملک میں جائیں -

(بی) فل ہوائٹ ایکٹ کے اندر ۳۸ ویدیارتھی یو - ایس - اے - میں بھیجے جا چکے ہیں اور ۱۸ ویدیارتھی اسکیم - منٹ ایکٹ کے اندر -

(سی) ۲۵۰ کے لگ بھگ آدمی ایک ملک سے دوسرے ملک میں چلائے - ۱۲۰ فل ہوائٹ ایکٹ کے اندر اور ۱۳۰ منٹ ایکٹ کے اندر -

[The Minister of Education: (Maulana Azad): (a) Under the Smith-Mundt Act (Public Law 402)

dollar funds are provided by the U.S. Government for exchange of knowledge and skills with India, including:

(i) Educational exchange covering students, research scholars and professors both in India and the U.S.A.

(ii) Training of Indian teachers and Government employees in the U.S.A.

(iii) Visits of leaders of public opinion specialised in various fields of national life both in India and the U.S.A.

(b) 38 students have already proceeded to the U.S.A. under the Fulbright Act and 18 under the Smith-Mundt Act.

(c) About 250 persons—Indians and Americans—are likely to be exchanged between the two countries in 1951—120 under the Fulbright Act and about 130 persons under the Smith-Mundt Act.]

Shrimati Velayudhan: Sir, will you please give a translation?

Mr. Speaker: Later on we will see to it.

पंडित मुनीश्वर दत्त उपाध्याय : किस

पद की ट्रेनिंग के लिये विद्यार्थी यू० एस० ए० भेजे गये हैं ?

[Pandit Munishwar Datt Upadhyay: For training in which subjects have students been sent to the U.S.A.?)

मौलाना आज़ाद : مختلف سبجیکٹس

میں ایک بورڈ بنایا گیا ہے - وہ بورڈ

غور کرتا ہے اور غور کر کے سبجیکٹس

بھی تجویز کرتا ہے اور سلیکشن بھی

کرتا ہے -

[Maulana Azad: There are various subjects. A Board has been constituted which considers these matters, determines the subjects and makes the selection.]

पंडित मुनीश्वर दत्त उपाध्याय : यह

ट्रेनिंग कितने समय के लिये है ?

[Pandit Munishwar Datt Upadhyay: For how long does this training last?]

मौलाना आज़ाद : सب के लिये

एक सा نہیں ہے - بعض سبجیکٹس

के लिये एक برس है - کسی کے لئے

دو برس ہیں -

[Maulana Azad: There is no uniform period for all the subjects. For some it is one year, for others two.]

Prof. K. K. Bhattacharya: Will the hon. Minister please lay on the Table of the House a statement giving the subjects for which these students have been sent abroad?

मौलाना आज़ाद : بہتر -

[Maulana Azad: Very well.]

श्री टी० एन० सिंह : आपने पब्लिक ओपीनियन के लीडरों के बदलाव का जिक्र किया है। मैं जानना चाहता हूँ कि इस वक़्त तक लीडरों का कोई बदलाव हुआ है ?

[Shri T. N. Singh: You have mentioned exchange of leaders of public opinion. May I know if there has been any exchange of leaders so far?]

मौलाना आज़ाद : نہیں—ابھی تک نہیں

ہوا -

[Maulana Azad: No, not yet.]

ENTERTAINMENT FUND

*1001. **Shri Kishorimohan Tripathi:**

(a) Will the Minister of Home Affairs be pleased to state the total amount provided for in the entertainment fund during each of the years 1947-48, 1948-49, 1949-50 and 1950-51?

(b) Was the entire amount in the case of each year fully spent?

(c) What are the various occasions for which expenditure is met from the said fund?

The Minister Without Portfolio (Shri Rajagopalachari): (a) 1947-48—Rs. 50,000; 1948-49—Rs. 16,000; 1949-50—Rs. 15,000; and 1950-51—Rs. 8,000.

(b) No.

(c) The Fund is meant for the entertainment of delegates from States invited to attend conferences held at the Headquarters of the Government of India.

Shri Kishorimohan Tripathi: Will the hon. Minister give some indication of the expenditure incurred in pre-partition days?

Shri Rajagopalachari: The Fund was set up in 1946 which was a pre-partition year, but I have not got the figures here.

PICTURES

*1002. **Shri Rathnaswamy:** (a) Will the Minister of Information and Broadcasting be pleased to state how many pictures produced in India and foreign countries were censored during the last two years?

(b) What are the specific efforts taken by Government to encourage production of pictures for foreign consumption?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) Information is being collected and will be laid on the Table of the House.

(b) The Film Enquiry Committee set up by Government is looking into this question and measures necessary in this regard would be considered on receipt of the Committee's report.

Shrimati Durgabai: May I know whether the Central Censorship Board that is constituted by the Government has started functioning? If so, what is the number of films so far reviewed since its constitution?

Shri Diwakar: It has not yet started functioning.

Shrimati Durgabai: What are the reasons for the delay? I don't know whether the Board has been properly constituted. If so, who are the Members?

Shri Diwakar: The Board has not yet been constituted and the delay was only what was absolutely necessary. Just for the information of the House I would state that it will come into being in January, 1951.

Prof. Ranga: When was that Act passed which empowered the Government to establish the Central Film Censor Board?

Shri Diwakar: It was passed in this House and everybody knows about it.

Prof. Ranga: I take very strong objection to that answer. I wanted information and he simply refers to me and all other Members to the time when it was passed in this House. That is not the way in which we are accustomed to answers.

Mr. Speaker: While I appreciate the resentment of the hon. Member, he puts the question on a matter of record. Information can be asked for on matters within the special cognizance of the hon. Minister.

Prof. Ranga: The hon. Minister is expected to give an answer in a straight-forward manner.

Mr. Speaker: He need not infer that the manner is not straight-forward.

Prof. K. K. Bhattacharya: May I know why a film called '1942' was banned in Delhi a short while ago?

Shri Diwakar: I think the Commissioner here who censored it thought it was not proper to show it in Delhi.

Shri Tyagi: Is it not under him?

Mr. Speaker: Order, order. Next question.

SUBSIDY FOR RELIEF OF EARTHQUAKE VICTIMS OF ASSAM

*1003. **Shri J. N. Hazarika:** Will the Minister of Finance be pleased to state:

(a) whether a memorandum asking for a subsidy of about 347 lakhs of rupees for relief and rehabilitation of the earthquake victims of Assam has been received from the Government of Assam; and

(b) if so, whether Government have already sanctioned the grants asked for; if not when will the subsidy be granted?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes, Sir.

(b) The matter is under active consideration and Government expect to reach a decision shortly.

Shri J. N. Hazarika: May I know whether this includes a scheme for training of rivers in Assam? Also, whether it covers a scheme to put a stop to erosion at the town of Dibrugarh and if so, in view of the urgency of the situation and the short time at our disposal, whether Government intends to implement the anti-erosion scheme at Dibrugarh as early as possible?

Shri C. D. Deshmukh: The schemes include schemes for the training of rivers at a cost of Rs. 1 crore. We are not quite sure if a scheme of that kind which will confer a permanent benefit will come within the scope of assistance to be extended by the Centre, but that point is being examined.

Shri J. N. Hazarika: Has not Government received for sanction a scheme costing Rs. 40 lakhs for stopping erosion at Dibrugarh?

Shri C. D. Deshmukh: The schemes scheme which bears that specific title. There is, "Measures for the protection

of affected areas—Rs. 64 lakhs". There is no scheme which is said to cost Rs. 40 lakhs, in the list which I have here.

EDUCATION OF ANGLO-INDIANS

*1004. Shri Shiv Charan Lal: (a) Will the Minister of Education be pleased to state whether the Union Government make special arrangements for education of Anglo-Indians?

(b) If so, what and how much is spent annually by the Government on this education?

मन्स्टर ऑफ़ इंजोकेशन (मोलाना आज़ाद):

(अ) — इंजोकेशन अस्तिट गवर्नमेण्टों की रसपोन्सिबिलिटी हे - सेलकुल गवर्नमेण्ट की नहिण हे ओर अलकुल अन्दिन कमिण्टी की तेलिम का मलमले बेही अन्ही से तेलु रकहेता हे -

(बे) — अलकुल अन्दिन इंजोकेशन अन्तु

अस्तिट बोर्डे कु गवर्नमेण्ट ऑफ़ अन्दिना चार हज़ार रुपये बरस वार दिया कर्ती हे - यारत से अस्तिटों में अलकुल अन्दिलों के लूँ कतना रुपये खर्च किया जाता हे . अस बरसे में सुवुरी अन्फारमेशन अकथी की जा रही हे जब अकथी हो जाँके ली तू हाँस की तैबल पर रकहेदी जाँके -

[The Minister of Education (Maulana Azad): (a) Education, including that of Anglo-Indians, is the responsibility of State Governments.

(b) The Government of India give an annual contribution of about Rs. 4,000 towards the expenses of the Inter-State Board of Anglo-Indian Education. Information regarding expenditure on Anglo-Indian education in Part 'C' States is being collected and will be laid on the Table of the House.]

श्री शिव चरण लाल: यह ऐंग्लो इंडियनस् के लिये रुपया खर्च करने का गवर्नमेंट का कब तक इरादा है ?

[Shri Shiv Charan Lal: For how long still do Government intend to

continue this expenditure for the Anglo-Indians?]

मोलाना आज़ाद: अकर अंतैबल मलमर का

मलमर अस चार हज़ार रुपये से हे जो बरस वार गवर्नमेण्ट बोर्डे कु दे रही हे , तू में समजेता हूँ , जस तरह वे अन्ही दिया जा रहा हे , अयेदे बेही दिया जाँकेता -

[Maulana Azad: If the hon. Member's reference is to the sum of Rs. 4,000 which is paid annually by the government to the Board I think this payment will continue to be made in future as it has been done heretofore.]

श्री शिव चरण लाल: क्या कोई ख़ास वजह ऐंग्लो इंडियनों को रुपया देने की है ?

[Shri Shiv Charan Lal: Is there any special reason for the payment of this money to the Anglo-Indians?]

मोलाना आज़ाद: में युरी तलफ़लत

तू नहिण तला सक्ता - लीकन बोर्डे कु ये अमदद दी जा रही हे -

[Maulana Azad: I cannot give full details but, of course, the Board is being given this help.]

Shri Frank Anthony: Is it not a fact that the money given to Anglo-Indian schools is not spent exclusively on Anglo-Indian pupils but in most of the schools anything from 50 to 70 per cent are non-Anglo-Indians who benefit equally from these grants?

मोलाना आज़ाद: सेलकुल गवर्नमेण्ट के

लम में अस तरह की कुी बात नहिण आँी हे , अस लूँ मूँ कजे नहिण कहे सक्ता -

[Maulana Azad: Nothing of that kind has come to the knowledge of the Central Government, hence I cannot say anything.]

श्री कामत: जिन स्कूलों का तालुक सेंट्रल गवर्नमेंट से है, क्या वहाँ इंडियन और ऐंग्लो इंडियन अध्यापकों के वेतन में कोई ख़ास फ़र्क या असमानता है ?

[**Shri Kamath:** Is there any special difference or inequality in the matter of pay between the Indian and Anglo-Indian teachers of schools which are under the control of the Central Government?]

مولانا آزاد : میں نہیں سمجھتا
کہ دونوں میں کوئی خاص فرق کیا
جاتا ہے -

[**Maulana Azad:** I do not think any particular distinction is made between them.]

**REPORTING PROCEEDINGS OF PARLIAMENT
FOR BROADCASTING ON A. I. R.**

*1009. **Ch. Ranbir Singh:** Will the Minister of Information and Broadcasting be pleased to state the system of reporting the proceedings of the Parliament of India for broadcasting on the A.I.R.?

The Minister of State for Information and Broadcasting (**Shri Diwakar**): Broadcast reports of Parliamentary proceedings are based on despatches of All India Radio's correspondent and messages of news agencies.

DELHI IMPROVEMENT TRUST

*1010. **Shri Kamath:** Will the Minister of Health be pleased to state:

(a) whether the Delhi Improvement Trust has formulated any re-housing plan for those persons, who will be displaced as a result of the execution of the Delhi-Ajmeri Gate Slum Clearance Scheme; and

(b) how many properties have been acquired so far for the execution of the scheme, and how such compensation has been awarded?

The Minister of Health (**Rajkumari Amrit Kaur**): (a) There are always plans in Improvement Trust schemes for the housing of displaced persons. They have not been able to be put into execution thus far because of unforeseen happenings. But they will be carried out as soon as circumstances permit.

(b) 527 properties involving a compensation of Rs. 15,12,815-4-3.

Shri Kamath: Is it a fact that the owners of the property acquired so far have been paid only one-fifth, or

even less, the market value as compensation?

Rajkumari Amrit Kaur: I don't think that that is accurate. As far as compensation is concerned, payments were made for persons who were present at the time of awards and who accepted them. For those who were not present the amount was deposited in the Treasury to be paid whenever they claimed it. For those also who did not accept the awards, the amounts have been deposited in the courts to be paid when the disputes are settled.

Shri Kamath: Have any representations been made by those owners of property that the compensation awarded to them has been inadequate?

Rajkumari Amrit Kaur: I could not tell you, but it is possible that there may have been some complaints.

Shri Deshbandhu Gupta: May I know when this Delhi-Ajmeri Gate slum clearance scheme was prepared for the first time?

Rajkumari Amrit Kaur: It was first notified in March, 1938.

Shri Deshbandhu Gupta: May I know how long these people have been under notice whose property has now been acquired?

Rajkumari Amrit Kaur: Well, the scheme was held up because of correspondence from 1941 to 1943 between the Government and the Chief Commissioner in regard to various points. Then by the time these points were settled World War II was in full force and, therefore, the scheme could not be carried on. Since 1947 the Improvement Trust has been greatly handicapped by displaced persons coming and occupying and building unauthorised constructions in various places, and also by the cession of Improvement Trust land to the extent of 2,000 acres for displaced persons.

Shri Deshbandhu Gupta: Is it a fact that for the last eight years notices had been served on these people and they could not sell their property or do anything with it?

Rajkumari Amrit Kaur: They could not sell the property that had been acquired—of course, not. But as a matter of fact, though the properties have been acquired no one has actually been evicted.

Shri Deshbandhu Gupta: May I know how many of these properties have been acquired by the Land Acquisition Officer, and how long did it take to give the awards?

Rajkumari Amrit Kaur: I would have to have notice. I could not say off-hand.

Shri Kamath: Has the Trust prepared any re-housing scheme for those persons who will be displaced as a result of this scheme?

Rajkumari Amrit Kaur: I have already said that schemes were prepared but they have not been able to be carried out because time and again the land where they were to be put have had unauthorised structures put on them, and, therefore, all schemes have been held up.

SELLING BOND ROLES FOR MATCHES IN MADRAS

*1011. **Shri Ramaswamy Naidu:** Will the Minister of Finance be pleased to state:

(a) whether the revenue department in the Madras State is selling Bond Roles for Matches on behalf of the Centre;

(b) whether the Government of India pay any commission to the State Government for selling the same; and

(c) whether the Government of India propose to open their own Treasury at Sivakasi which is a major Match producing Centre?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes, Sir, but band rolls, not bond roles.

(b) No, Sir.

(c) The question of opening a Departmental Treasury at Sivakasi is receiving attention.

Shri E. Velayudhan: May I know whether there is a branch of the Explosives Department in Madras which could easily distribute these band rolls?

Shri C. D. Deshmukh: We are considering the question of opening a Sub-Treasury at Sivakasi itself, and if that is decided that would certainly be more convenient than the other course suggested by the hon. Member.

विन्ध्य प्रदेश में शराब की भट्टियां

*1012. **श्री आर० ऐस० तिवारी:** क्या राज्य मंत्री यह बतलाने की कृपा करेंगे कि :

(क) विन्ध्य प्रदेश के सतना तथा नौगांव में शराब की भट्टियों में कितनी शराब बनाई जाती है, यह शराब किन

किन स्थानों को भेजी जाती है तथा सरकार को प्रतिवर्ष उत्पादन शुल्क से कितनी आय होती है; तथा

(ख) इन भट्टियों में महुए की वार्षिक खपत क्या है ?

BREWERIES IN VINDHYA PRADESH

[*1012. **Shri R. S. Tewari:** Will the Minister of States be pleased to state:

(a) the quantity of liquor manufactured in the breweries of Satna and Nowgong in the Vindhya Pradesh, to what places that liquor is exported, and how much money the Government realize annually by way of excise duty; and

(b) the quantity of *Mahua* consumed by these breweries annually?]

The Minister of Transport and Railways (Shri Gopalaswami): (a) The quantity of liquor manufactured in the breweries of Satna and Nowgong in the Vindhya Pradesh in 1949-50 was 29493 and 77501 London Proof Gallons. No liquor was exported during 1949-50 and a sum of Rs. 5,98,869 was realised by way of excise duty by Government from the two distilleries in that year.

(b) The quantity of *Mahua* consumed in 1949-50 by the breweries at Satna and Nowgong was 11,042 and 15,384 maunds respectively.

Shri Dwivedi: May I know whether any discrimination is made between these two breweries in regard to the terms and conditions of the contract?

Shri Gopalaswami: I am afraid I should have notice of the question.

Pandit Munishwar Datt Upadhyay: What parts of the country supply *Mahua*?

Shri Gopalaswami: Notice again.

ठाकुर लाल सिंह : गल्ले की कमी की वजह से विन्ध्य प्रदेश की गरीब रियाया महुआ खाती है अगर उससे शराब बनाई जाती है इस वजह से वहां की रियाया को खाने की दिक्कत क्या नहीं होती है ?

[**Thakur Lal Singh:** Poor people in Vindhya Pradesh eat *Mahua* on account of the scarcity of foodgrains, while *Mahua* is also used in the manufacture of liquor. Does that not cause hardship to the people in the matter of their food?]

Shri Gopaldaswami: *Mahua* is also used for food, but the quantity of *Mghua* available in this area is so ample that it can meet the needs of both liquor manufacture and food consumption.

Capt. A. P. Singh: Is it the policy of the Government of India to make Vindhya Pradesh a dry area?

Shri Gopaldaswami: There is no such idea at present.

Shri Tyagi: What variety of liquor is manufactured in Vindhya Pradesh and what is its alcoholic content?

Mr. Speaker: It is going too much into details.

Shri Tyagi: May I know whether the liquor that is manufactured in Vindhya Pradesh is consumed there itself or it is exported to other States as well?

Shri Gopaldaswami: I have not the information with me at present.

DISPLACED BAHAWALPUR GOVERNMENT SERVANTS

*1013. **Babu Ramnarayan Singh:** Will the Minister of Home Affairs be pleased to state:

(a) whether former employees of Bahawalpur Government are being deprived of the privilege of being registered at the Transfer Bureau of the Government of India; and

(b) whether it is a fact that a directive was sent to Rajpura Development Board to employ former Bahawalpur Government staff alone to all vacancies and posts in the Rajpura Camp and township provided such persons with requisite qualifications were found available amongst Bahawalpuri displaced persons?

The Minister Without Portfolio (Shri Rajagopalachari): (a) The hon. Member is referred to the reply given on the 9th April 1948 to Starred Question No. 1408 asked by Shri Upendranath Barman. Such employees have been eligible for registration at the Employment Exchanges. The Transfer Bureau in the Home Ministry was closed down last year. There has been no registration of any classes of employees with the Bureau since then.

(b) The Rajpura Development Board were asked to give preference to Bahawalpuri displaced persons, other things being equal.

Babu Ramnarayan Singh: While other displaced persons were asked to register with the Transfer Bureau, why was a difference made in the 248PSD

case of Bahawalpuri displaced persons, who were asked to register with the Employment Exchange?

Shri Rajagopalachari: The Home Ministry felt that they had a moral obligation to displaced employees of the Governments of Sind, Baluchistan and N.W.F.P. and not to the employees of the other Governments such as East Bengal, West Punjab, Indian States or local bodies. As regards Bahawalpur, since it was in West Pakistan, like Sind, Baluchistan and N.W.F.P. there was a slight consideration in its favour and therefore, although Bahawalpuri displaced government servants were not placed on the same footing as the Government servants of Sind, Baluchistan and N.W.F.P., they were given some concession in Development Board of the Rajpura area which is near to Bahawalpur.

INVESTMENTS OF INDIANS IN FOREIGN COUNTRIES

*1015. **Shri Kishorimohan Tripathi:** Will the Minister of Finance be pleased to state:

(a) the value in Indian rupees of investments made by Indian citizens in foreign countries; and

(b) what income by way of tax accrues to the consolidated fund of India from the income arising out of the said investments?

The Minister of Finance (Shri C. D. Deshmukh): (a) According to the Census of India's Foreign Liabilities and Assets, conducted by the Reserve Bank, the total foreign assets owned by non-official sector in India, comprising citizens of Indian nationality, partnerships, Joint Stock Companies, Banks, etc. as on 30th June 1948 were Rs. 182 crores. Later information is not available.

(b) It is not possible to correlate collections of tax on foreign incomes with specific foreign assets; but it is estimated that the revenue derived from taxation of foreign incomes of persons residing in India (including non-Indians) amounted on an average to about Rs. 330 lakhs a year during the last two financial years.

Shri Kishorimohan Tripathi: Have cases come to the notice of Government of income-tax evasion on the incomes accruing from foreign investments?

Shri C. D. Deshmukh: There may be cases, but income is assessed on remittances when they are made.

A.I.R. STATIONS AT TRIVANDRUM AND CALICUT

*1016. **Shri Sivan Pillay:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the Kilowatt power of the A.I.R. stations at Trivandrum and Calicut respectively;

(b) the total programme hours per day of the Trivandrum and Calicut stations respectively; and

(c) the total programme hours per day of the Trivandrum station before it was taken over by the A.I.R.?

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

(a) Trivandrum: 5 k.w.

Kozhikode (Calicut): 1 k.w.

(b) Trivandrum: 5 hours per day.

Kozhikode (Calicut): 5 hours per day.

(c) 2½ hours per day.

Shri Sivan Pillay: May I know whether any time is devoted by these stations to broadcasts in Tamil?

Shri Diwakar: I am not aware.

Short Notice Question and Answer

FOOD SITUATION IN MADRAS

Shri V. K. Reddy: (a) Will the Minister of Food be pleased to state whether the attention of Government has been drawn to the recent debate in the Madras Assembly on the food situation in that State?

(b) If so, do Government propose to explain the steps they are taking to meet the situation that is threatening Madras, as a result of the partial failure of the North-East monsoon for the fourth time?

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

(b) The North-East Monsoon, which till sometime back, threatened to prove a partial failure this year also, has in the last few days revived and according to the latest reports available it has strengthened over Tamilnad and wide-spread rain has been reported over the entire area.

Madras has been allotted a quota of 4 lakh tons in 1951.

Shri V. K. Reddy: What were the total requirements of the Madras State for the months of November and December and what was the quantity actually despatched so far?

Shri Thirumala Rao: For December 32,000 tons of foodgrains have been allotted to Madras.

Shri Sidhva: But how much has been sent?

Shri Thirumala Rao: Of which 26,000 tons have been despatched.

Shri V. K. Reddy: What is the present stock position and how long is it expected to last?

Shri Thirumala Rao: They have got nearly three weeks' stock in Madras.

Shrimati Durgabai: May I know, Sir, whether the Madras State has recommended removal of rural rationing, and also the removal of procurement in the deficit areas; if so, what is the reaction of the Government of India?

Shri Thirumala Rao: I may draw the attention of hon. Members to the report of the debate that took place on the 8th December in the Madras Assembly, in the course of which the Food Minister announced that they were contemplating removal of rural rationing. During the recent discussions at the Conference of State Ministers in Bombay this matter was brought to the notice of Government of India Food Ministry. A final decision will be taken by the Madras Government, in consultation with the Centre, very soon.

Shrimati Durgabai: May I know whether the Government of India have advised the State Governments to take any steps to ensure a continuous supply of food-grains in the event of the removal of rural rationing, and if so, what are they?

Shri Thirumala Rao: That is ultimately a condition of all rationing commitments, that so far as State Governments are concerned, there should not be any serious hardship to the people at large when they embark on any change of policy.

Shri Bharati: The hon. Minister stated that four lakh tons of grains have been allotted for the year 1951. Of this how much is rice, may I know?

Shri Thirumala Rao: I cannot, off-hand, give the break-up of these figures. I think it will be about 2.5 lakh tons of rice.

Shri Bharati: Is it a fact that the Madras Government wanted about 9 lakh tons of grains for 1951?

Shri Thirumala Rao: No, Sir.

Shri Bharati: Then what is the quantity they asked for?

Mr. Speaker: Order, order.

Shri Alagesan: Are Government aware that there has been no rain in the districts surrounding Madras and the position continues to be difficult there?

Shri Thirumala Rao: Yes, Sir. The rain-fall has been so fickle and unsatisfactory that no definite forecast can be given about it.

Shri Bharati: I would like you to permit me to put this question because this is very important. What is the quantity of food-grains that the Madras Government asked for at Bombay?

Shri Thirumala Rao: Those are details of discussion which I do not carry with me now.

Shri Bharati: Surely, Government ought to know this.

Shri Thirumala Rao: The total deficit of Madras with regard to food-grains is about 15 lakh tons of which they expect to be able to procure about 11 lakh tons; we have made provision for allotment of about 4 lakh tons of food-grains.

Shri Bharati: I wanted to know what quantity the Madras Government asked for at Bombay; that has not been answered.

WRITTEN ANSWERS TO QUESTIONS

IMPORTED CEREALS

*939. **Shri Sidhva:** (a) Will the Minister of Food be pleased to state whether any contract had been given for the purpose of loading, unloading and storing cereals imported from foreign countries at Bombay, Calcutta and Madras ports during the years 1947-48, 1948-49 and 1949-50?

(b) If so, at what rates?

(c) When were the last tenders invited for this purpose?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) A statement giving names of contractors appointed for loading and unloading cereals at Government godowns at Bombay, Calcutta and Madras from 1947 to 1950 and for storing cereals at Calcutta is laid on the Table of the House. [See Appendix VII, annexure No. 28.] There were no contracts for storing cereals at Bombay and Madras.

(b) Contracts are given by inviting tenders. It will not be in public interests to disclose the rates.

(c) A statement is laid on the Table of the House. [See Appendix VII, annexure No. 29.]

AIRCRAFT ACCIDENTS

*940. **Shri Sidhva:** (a) Will the Minister of Communications be pleased to state the number of civil aircraft accidents which took place in India from 15th April, 1950 upto date?

(b) What were the casualties therefrom and what were the causes of the accidents?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) Apart from 15 minor incidents, which called for no investigation, there have been, from the 15th April, 1950 upto the 7th December, 1950, 36 notifiable accidents in India that is those involving human injury or material damage to aircraft,

(b) The casualties were 37 deaths and 12 cases of major injuries. Of the 36 notifiable accidents 12 are under investigation. In the remaining 24, the causes of the accidents were as follows:

(i) Fault of personnel—e.g., error of pilot, in 18 cases.

(ii) Material, e.g. engines or other defects of aircraft, in 6 cases.

NEW THIRD CLASS COACHES

*941. **Shri Sidhva:** (a) Will the Minister of Railways be pleased to refer to the reply to my unstarred Question No. 89 asked on the 10th August, 1950 and state whether new third class coaches supplied by Hindustan Aircraft Ltd. have been put on service?

(b) On what railways have they been put and what is the carrying capacity of these coaches?

(c) What was the carrying capacity of the 450 coaches manufactured in railway workshops in India?

(d) Has overcrowding been removed by these additional new coaches; if so, to what extent?

The Minister of Transport and Railways (Shri Gopalaswami): (a) Yes, 107 New 3rd Class Coaches made by Hindustan Aircraft Ltd., have been placed in service upto the end of November, 1950.

(b) These coaches have been put into service on the following railways:

G.I.P. Railway	36
M.&S.M. Railway	17
E.I. Railway	47
E.P. Railway.	7
	107

These coaches provide seating accommodation for 76 passengers each.

(c) It is regretted that in computing the figures of carriages built in railway workshops, 87 III class B. G. Bogie carriages constructed by the Hindustan Aircraft Ltd. and put into service by different railways were wrongly included in the 455 carriages. 368 coaches only were actually constructed in railway workshops from April 1949 to June 1950. These consist of 51 Non-passenger stock and 317 Passenger carriages of various types. A statement showing details, with approximate carrying capacity is placed on the Table of the House. [see *Appendix VII, annexure No. 30.*]

(d) Overcrowding in trains has not yet been completely removed.

CALCUTTA SHIP CANAL SCHEME

*942. **Shri S. C. Samanta:** Will the Minister of Transport be pleased to state:

(a) how far the ship canal scheme for Calcutta has progressed; and

(b) what are the other development efforts of the Calcutta Port Trust?

The Minister of Transport and Railways (Shri Gopalaswami): (a) In 1946, the Ports (Technical) Committee recommended that the technical, financial and other relevant aspects of the Ship Canal Scheme should be fully examined by experts. This recommendation was accepted by the Government of India in the Department of Transport Resolution No. 19-P(46)/46 dated the 16th April, 1947. Accordingly the Calcutta Port Commissioners obtained the expert advice of Sir Claude Inglis, who recommended that three models of the river should be constructed and experiments made to enable a decision to be made as to whether the upper reaches between Calcutta and the Diamond Harbour should be improved by dredging and/or training works and if so whether this course was preferable to short-circuiting the upper reaches by means of a ship canal. The work for the construction of the models has been entrusted to the Central Waterways, Irrigation and Navigation Commission Research Station, Poona, and is making good progress.

(b) In addition to the purchase of essential port equipment such as vessels, locomotives, dredgers, etc. the Calcutta Port Commissioners have under execution or under contemplation the following items of development work:

(i) Development of Alipore Aerodrome area by constructing roads, railway-sidings, masonry drains, sewers, etc.

(ii) Purchase and improvement of Army Storage Depots, Brooklyn and Hoboken.

(iii) Provision of additional tea warehouse for the handling and storage of tea in docks.

(iv) Extension of workshop and providing of modern machinery.

(v) Construction of two new grain sheds.

(vi) Installation of mechanical coal loading plant.

(vii) Reclamation of land surrounding King George's Dock.

JUTE SEEDS

*943. **Dr. M. M. Das:** (a) Will the Minister of Agriculture be pleased to state the total quantity of jute seeds supplied to the Government of West Bengal by the Government of India during the current year?

(b) Was any complaint received from the West Bengal Government about the low percentage of germination of those seeds?

(c) What is the normal percentage of germination of jute seeds and what was the percentage of germination reported by the West Bengal Government in their complaint?

(d) Do the Government of India examine the germinating power of the seeds before purchasing and supplying them to the State Governments?

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

(a) 5,106 maunds.

(b) Yes.

(c) The normal germination percentage varies from 40 to 90 per cent. According to the West Bengal Government certain quantities of seeds were below 40 per cent. germination. On account of the acute shortage of seeds, the minimum germination percentage was reduced from 80 to 40 per cent.

(d) The usual method of testing the germinating power was adopted. But this was not invariably followed and complaints are being investigated.

MODEL VILLAGES

*944. **Dr. M. M. Das:** (a) Will the Minister of Agriculture be pleased to state what are the main features of a "model village" as distinguished from an ordinary village in India?

(b) Is it a fact that several model villages have been established in the state of Delhi by Government?

(c) If so, what is the average expenditure incurred on every model village set up by Government?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) A village in which living and sanitary conditions are up to a decent standard, satisfactory educational facilities for its residents have been provided, and agriculture and suitable cottage industries have been reasonably developed may be called a model village. The ordinary village in India lacks most of these features.

(b) No model village has been established in the Delhi State. The Indian Council of Agricultural Research has undertaken all-round agricultural development in 10 villages of the Delhi State.

(c) Does not arise.

'GROW MORE FOOD' CAMPAIGN

*945. **Shri S. C. Samanta:** (a) Will the Minister of Agriculture be pleased to state what are the comparative figures of the results of 'Grow More Food' campaign in 1948-49 and 1949-50 obtained

(i) by land reclamation; and

(ii) through increase in yields in the existing cultivated lands due to growing of different crops by rotation and other improved methods of cultivation?

(b) Have Government made any fresh survey of cultivable lands lying uncultivated in different States?

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

(a) A statement showing the comparative figures of additional production of foodgrains as a result of (i) clearance and reclamation of waste land and (ii) by other intensive cultivation schemes under the Grow More Food Campaign during 1948-49 and 1949-50 is placed on the Table of the House. [See Appendix VII, annexure No. 51.] The increase in yields due to rotation of crops varies considerably and hence no figures in this respect are available.

(b) Surveying of culturable waste lands is normally the function of the State Governments. The information received from the State Governments, indicates that the Governments of Bihar, Bombay, Madhya Pradesh, Punjab, Hyderabad, Delhi and Manipur have undertaken such surveys which are still in progress.

LAND RECLAMATION AND CULTIVATION

*946. **Shri S. C. Samanta:** (a) Will the Minister of Agriculture be pleased to state how much land has been reclaimed and brought under cultivation in 1949-50 (i) by the Central Govern-

ment in Centrally Administered Areas; and (ii) by the State Governments?

(b) How much fresh land is proposed to be brought under cultivation in 1950-51 (Statewise)?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) and (b). The Central Tractor Organisation reclaimed an area of 18,509 acres in Bhopal in 1949-50, and the reclaimed lands are now under cultivation.

A statement giving information received from State Governments in regard to lands reclaimed and brought under cultivation by them in 1949-50, and fresh lands proposed to be brought under cultivation in 1950-51, is placed on the Table of the House. [See Appendix VII, annexure No. 32.] A total area of 5,74,000 acres was reclaimed and brought under cultivation in 1949-50 by State Governments, and 6,74,000 acres of fresh land are proposed to be brought under cultivation in 1950-51. The latter figure includes targets of work by the Central Tractor Organisation in the States of Bhopal, Madhya Pradesh, Madhya Bharat and Uttar Pradesh.

CENTRAL TRACTOR ORGANISATION

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

(a) whether Government have reviewed their policy regarding the Central Tractor Organisation; and

(b) whether any efforts are being made to promote the construction in India or abroad of cheaper tractors to be run by Diesel or Kerosene oil as the main item of fuel?

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

(a) Yes. Shri P. M. Kharegat, till lately Regional Agricultural Production Commissioner, Bombay, was deputed to conduct an inquiry into the working of the Central Tractor Organisation, and to suggest ways of improvement. Some non-officials were associated with him in the work. Shri Kharegat's report has since been examined by Government, many of the recommendations made therein are being implemented.

(b) Yes.

AGRICULTURAL IMPLEMENTS

*948. **Prof. Ranga:** (a) Will the Minister of Agriculture be pleased to state the results of the experiments with the new plough invented at Pusa Institute by their Agricultural Engineering Section?

(b) Is it ready for field-demonstration?

(c) Has it been supplied to State Governments?

(d) What State Governments have put out such ploughs for the use of farmers and with what result?

(e) Are experiments in connection with other local agricultural implements being made at Pusa?

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

(a) The double Desi plough designed at the Institute has been tried out in some villages near about Delhi, and in the light of such experiments, certain modifications have already been effected in the original design. Further tests and demonstrations with the improved model have again been undertaken in the same villages. The Indian Agricultural Research Institute is now examining whether improvements are needed, to make it suitable for general adoption.

(b) Yes. Several demonstrations have, in fact, been given.

(c) Yes, to some. Supply of sample ploughs to others, is under correspondence.

(d) We have no definite information on this point; but before this can be done, a State Government must subject the plough to rigid field tests with a view to ascertaining its suitability for local conditions, and that is likely to take some time. Recent trials held at Jullundur have revealed that the present model is not fit to undertake initial breaking up of the soil, though it may be used for subsequent operations.

(e) Yes, such experiments include those directed to the improvement of simple seed drills, bullock or power operated harvesting machines and water lifts, etc.

COMMODITY COMMITTEES

*949. **Shri Poonacha:** Will the Minister of Agriculture be pleased to state:

(a) the names of the commodity committees functioning under the Government of India;

(b) the names of the Chairmen of these committees;

(c) what is the annual financial grant given by the Central Government to each of these committees; and

(d) whether the accounts of these committees are audited by the Government Auditors?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) (1) The Indian Central Cotton Committee.

(2) The Indian Lac Cess Committee.

(3) The Indian Central Jute Committee.

(4) The Indian Central Coconut Committee.

(5) The Indian Central Sugarcane Committee.

(6) The Indian Central Tobacco Committee.

(7) The Indian Central Oilseeds Committee.

(8) The Indian Central Arecanut Committee.

(b) The Deputy Minister for Food and Agriculture, Government of India, is the Chairman of the Lac Cess, Sugarcane and Arecanut Committees and the Vice-Chairman, Indian Council of Agricultural Research, of the remaining Commodity Committees.

(c) Only four Commodity Committees, namely, the Sugarcane, Jute, Tobacco and Arecanut Committees are financed by grants sanctioned by the Central Government, as under:

(1) The Sugarcane Committee ...	Rs. 12,50,000.
(2) The Jute Committee ...	Rs. 10,00,000.
(3) The Tobacco Committee ...	Rs. 10,00,000.
(4) The Arecanut Committee ...	Actual expenditure incurred by the Committee during a year, not exceeding rupees five lakhs.

The other committees are financed by cesses levied under the provisions of the respective Acts under which they are constituted.

(d) The accounts of the Jute, Tobacco and Sugarcane Committees will be audited by the Government Auditors from the year 1950-51, of Cotton Committee from the year 1951-52, and of the remaining four Committees, viz., Lac Cess, Coconut, Arecanut and Oilseeds from the year 1949-50.

SUGAR EXPORT TO TIBET

*950. **Prof. S. N. Mishra:** Will the Minister of Agriculture be pleased to state:

(a) whether Government have fixed any Sugar quota for Tibet;

(b) if so, the quantity fixed for the current year; and

(c) whether allotment has been made through established trade-channels?

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

(a) Yes.

(b) 50 tons every quarter.

(c) No. The quota has been allotted to the Government of Tibet who arrange to lift it through their nominees.

LOCAL RAILWAY ADVISORY COMMITTEES

*951. **Shri Ramraj Jajwara:** (a) Will the Minister of Railways be pleased to state whether it is a fact that local Railway Advisory Committees were reformed in 1947 at important stations on the E. I. Railway with a view to meet every month for discussing with the Railway authorities in all matters relating to the stations concerned?

(b) Was any such Advisory Committee in existence at Baidyanathdham in 1948?

(c) If so, where was the same formed and how many times its meetings have since been convened by the Divisional Traffic Superintendent, Assansol?

The Minister of Transport and Railways (Shri Gopalaswami): (a) Presumably the hon. Member is referring to the Local Goods Sheds Advisory Committees formed at certain important stations on the E. I. Railway in 1947 to maintain contact with local merchants. These Committees are intended to meet quarterly and not monthly.

(b) Yes.

(c) The Advisory Committee was formed at a meeting of merchants at Baidyanathdham on 27-5-1947. Subsequent meetings were convened on 27-5-1947, 24-7-1948, 25-6-1949, and 27-11-1950.

SUGAR AND JAGGERY (PRICES)

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

(a) the comparative prices—floor and ceiling—fixed for sugar and jaggery;

(b) whether representations have been made by *Gur*-manufacturers and *Gur* cane producers to Union Government that the prices fixed are too low and that the areas in which there are no sugar-mills should not be brought within the purview of Government's orders, as such cane cannot anyhow be converted into sugar; and

(c) what do Government propose to do in the matter?

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

(a) Statements showing the revised ceiling prices fixed for jaggery and ex-factory prices of sugar in the various States are placed on the Table of the House. [See Appendix VII, annexure No. 33.]

(b) Yes.

(c) Government have since raised the ceiling price for *gur*. The State Governments are taking suitable measures to ensure adequate prices to *gur* producers.

HOSPITALS UNDER D.V.C.

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

(a) the places where hospitals have been given at different dam sites of Damodar Valley Corporation;

(b) if so, how many of them are permanent or temporary; and

(c) the number of beds for indoor patients?

The Minister of Works, Mines and Power (Shri Gadgil): (a) Hospital arrangements are available or have been planned at the following work sites of the Damodar Valley Corporation:

- (1) Tilaiya.
- (2) Bokaro,
- (3) Maithon, and
- (4) Konar.

(b) Except at Bokaro, where a permanent hospital with 20 beds has been planned, such arrangements are temporary.

(c) The number of beds for indoor patients at these sites is as follows:

- | | |
|----------------------|--------|
| (1) <i>Tilaiya</i> . | |
| For infectious cases | ... 10 |
| For emergency cases | ... 3 |

- (2) **Bokaro.**
Emergency ward for 10 beds is under construction.
- (3) **Maithon and Konar.**
A detention room with 3 beds at each of these sites has been planned.

LANDS ACQUIRED FOR D.V.C.

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

(a) the area of lands acquired for the Damodar Valley Corporation at different dam sites and at Hazaribagh and Ranchi up till September 1950; and

(b) the amount of compensation paid to the owners?

The Minister of Works, Mines and Power (Shri Gadgil): (a) The area of land acquired for the Damodar Valley Corporation is:

Ranchi	...	315.46 acres.
Tilaiya	...	259.34 acres.
Konar	...	960.59 acres.
Bokaro	...	501.23 acres.
Hazaribagh	...	Nil.
Total	...	2,036.62 acres.

(b) The amount of compensation paid to the owners at various sites is shown as under:—

Ranchi	...	Rs. 2,24,676-3-0
Tilaiya	...	Rs. 29,891-9-6
Konar	...	Rs. 1,33,485-5-3
Bokaro	...	Rs. 2,55,559-9-6
Total	...	Rs. 6,43,612-11-3

WORKS DONE AT TELAIYA DAM

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

(a) the works done in connection with the Damodar Valley Project at Telaiya Dam Site before Damodar Valley Corporation came into effect; and

(b) the expenditure on the work done?

The Minister of Works, Mines and Power (Shri Gadgil): (a) Supply of bricks; construction of Access Road Part I. (From Chandwara to Urma); construction of Access Road Part II. (From Urma to Dam Site); and construction of Camp water supply.

(b) Supply of bricks ... Rs. 8,425

Construction of Access Road Part I	...	Rs. 6,560
Construction of Access Road Part II	...	Rs. 12,159
Construction of Camp Water supply	...	Rs. 3,016
Total	...	Rs. 30,160

COW SLAUGHTER

*956. **Shri Balwant Sinha Mehta:** (a) Will the Minister of Agriculture be pleased to state whether it is a fact that some Committee had been set up to find out ways and means to ban cow slaughter in our country?

(b) What were its recommendations?

(c) What steps have been taken to implement them so far?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) to (c). The hon. Member's attention is invited to a statement made by my predecessor in office on 24th March, 1949 in the Constituent Assembly. In November 1947 Government appointed an expert committee to consider and recommend a comprehensive plan of action for preserving the cattle wealth of the country and for promoting its development. The Committee submitted its report in November 1948. Copies of the report were circulated to the Members of the House. The Committee recommended, *inter alia*, that the slaughter of cattle was not desirable in India under any circumstances whatsoever and that its prohibition should be enforced by law. In order to achieve this end, the Committee suggested that the following recommendations should be given effect to:

(1) Total prohibition of slaughter of all useful cattle other than as indicated below:

(a) Animals over 15 years of age and unfit for work and breeding.

(b) Animals of any age permanently unable to work or breed owing to age, injury or deformity.

(2) Unlicensed and unauthorised slaughter of cattle should be prohibited immediately and should be made a cognizable offence under law.

(3) The law for prohibiting slaughter of cattle totally should be enforced as early as possible but in any case within two years of enactment of

legislation, during which period necessary arrangements should be made for the maintenance and care of unserviceable and unproductive animals.

Government have decided to accept the first two recommendations of the Committee. The enforcement of the third recommendation is contingent on the establishment of Gosadans. This matter is being further examined.

FOOD PROCUREMENT IN HYDERABAD

***957. Shri M. L. Gupta:** (a) Will the Minister of Food be pleased to state whether it is a fact that the Monopoly Government procurement Agency, Hyderabad Co-operative Commercial Corporation Limited is spending rupees twenty per *pella* as handling charges of procured food grains?

(b) If so, is there any proposal to set up a committee of enquiry to look into the matter to find out ways and means to reduce the expenses?

(c) If the reply to part (b) above be in the affirmative, will the Members of this House be represented on the Committee?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) No; the total margin between the procurement price and the wholesale price has been approved at Rs. 2-8-2 per maund or Rs. 7-8-6 per *pella* of 3 maunds. The issue prices of all food-grains in Hyderabad are fixed on this basis.

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

DAMAGE TO Kharif CROPS BY LOCUSTS

***958. Kanwar Jaswant Singh:** Will the Minister of Agriculture be pleased to state the extent of damage done to the *Kharif* crops by the locusts in the State of Rajasthan?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): The information is being collected, and will be laid on the Table of the House in due course.

LAND RECLAMATION

***959. Shri Deogirikar:** (a) Will the Minister of Agriculture be pleased to state how many acres of land have been reclaimed by destroying *Kans* grass by tractors purchased from International Monetary Fund?

(b) Is this land brought under cultivation?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) 40,363 acres of *Kans* infested lands have so far been reclaimed with the

help of the tractors purchased out of the loan from the International Bank for Reconstruction and Development.

(b) Yes.

MINOR IRRIGATION SCHEMES IN MADRAS

***960. Dr. M. V. Gangadhara Siva:** Will the Minister of Agriculture be pleased to state the number of minor irrigation schemes of the Grow More Food Departments which have so far been completed in Madras?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): 70,788 Minor Irrigation Works have so far been completed in the State of Madras since 1948-49.

DISPLACED PERSONS' BILLS AND CLAIMS (VERIFICATION)

***961. Thakur Krishna Singh:** Will the Minister of Transport be pleased to state what measures Government are adopting for the verification of bills and claims by Pakistan Government in respect of supplies and services rendered by persons who are now displaced to the Government of India before the 15th August, 1947 as per Government of India's Partition Secretariat Press Communique dated the 22nd May 1948?

The Minister of Transport and Railways (Shri Gopaldaswami): Every effort is made to verify all pre-partition claims in India, records being called for from Pakistan where necessary. But if this is not possible, officers can be deputed to Pakistan to verify the claims on the spot. Where, however, for administrative reasons it is not possible to do so, reference has to be made to the Pakistan Government to verify claims.

NUTRITIVE RESEARCH CENTRES

***962. Shri Rathnaswamy:** (a) Will the Minister of Food be pleased to state how many nutritive Research centres are working in India?

(b) Was any dietary survey for the whole of India made in recent times?

(c) How do Government propose to utilise the knowledge gained by these researches and survey to improve the food value?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) 13.

(b) No.

(c) The State Nutrition Departments who have undertaken diet surveys have suggested modifications in the diets, both to the public as well as to their Governments, with a view to improve the diets.

NATIONAL HIGHWAYS IN ASSAM

*963. **Shri J. N. Hazarika:** Will the Minister of Transport be pleased to state the total mileage of National Highways in the State of Assam?

The Minister of Transport and Railways (Shri Gopalaswami): About 800 miles.

FOOD GRAINS FOR MADHYA PRADESH

*964. **Shri Kannamwar:** (a) Will the Minister of Food be pleased to state whether it is a fact that 10,000 tons of food grains have been despatched recently to Madhya Pradesh?

(b) If so, will the quantity be sufficient to meet food situation in Madhya Pradesh?

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

(a) The State has been allotted 18,000 tons of foodgrains recently. About 3,000 tons out of this has already moved, and the movement of the balance has also been programmed and will be completed before the end of the month.

(b) With the allotment of 18,000 tons, the requirements up to the end of December will be covered, and they will have a closing balance of about 25,000 tons of foodgrains (including those procured locally) for distribution during January, 1951. As regards allotments for future, the Central Government is keeping a close watch on the food situation in Madhya Pradesh, and such allotments as are necessary and possible consistent with the requirements of other States, will be made.

SUPPLY OF TUBE WELL PUMPS

*965. **Shri Jajoo:** (a) Will the Minister of Agriculture be pleased to state whether it is a fact that an order of a few crores of rupees for the supply of tube well pumps has been placed by the Government of India with some foreign firm?

(b) If so, what is the actual value of this order, and the name of the firm?

(c) Were any tenders either in India or abroad invited for the same?

(d) If the answer to part (c) above be in the negative, what are the reasons?

(e) What is the time stipulated to fulfil this contract?

(f) What are the safeguards against its non-fulfilment?

(g) Was any assurance taken from this firm to associate some Indian concern and start manufacturing these pumps in India and to train Indian personnel for the same?

(h) What is the price of each pump?

(i) Does this price favourably compare with the current market price?

(j) Did any other firm submit lower quotations for the same?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) It is not a fact that an order to the tune of a few crores of rupees for the supply of tube-well pumps has been placed by the Government of India with a foreign firm. The Government of India have only assisted the State Governments of the U.P., Bihar and the Punjab (I) in negotiating with a foreign firm for the erection of complete tube-wells including drilling, supply of pipes, pumps, engines, motors, etc.

(b) The actual value of this order cannot yet be assessed with certainty, as contracts have been concluded by the firm only with the Governments of U.P., and Bihar, and in regard to the Punjab, negotiations are being finalised. The total value of the order may approximate to Rs. 4 crores. The name of the contracting firm is Messrs. Associated Tube Wells Limited, England.

(c) Tenders were not publicly invited in India or abroad for this work, but firms in the line have known that the Government of India were and are on the look out for reliable contractors with experience who could provide complete tube-wells within the Grow More Food target period. As a result several firms have actually submitted draft contracts. An Association of English firms called Group I first submitted a tender which later they withdrew. Draft contracts were also submitted by two well-known American firms—Messrs. Johnston International and Messrs. Westinghouse. One Indian firm with which are associated several foreign firms of experience has also offered to construct complete tube-wells in the Bombay and Saurashtra regions, and the respective Governments of those States are carrying on negotiations with the Indian firm as also the foreign firm. So far as the U.P., Bihar and the Punjab are concerned, the terms offered by Messrs. Associated Tube Wells were considered by the State Governments concerned and the Government of India to be the most reasonable and they were, therefore, accepted by the State Governments.

(d) The work is of such a character and has to be executed with such speed that the scope of selection is very limited. That is why Messrs. Johnston International were invited to survey the sites two years ago; and negotiations with Associated Tube Wells were actually completed in the time of my predecessor. The Government had quotations from other firms as well, and recommended the acceptance of the contract submitted by Messrs. Associated Tube Wells as the most reasonable in regard to terms and conditions, only after very careful examination.

(e) The time stipulated is 2 years from the date of signing of the contract.

(f) There is a penalty clause in the contract which is expected to take care of the contingency of non-fulfilment. Messrs. Associated Tube Wells represents a group of well-known engineering firms in the U.K. each of whom is specialist in its own line and will supply some part of the equipment required for the complete contract. Messrs. Associated Tube Wells have also combined with two world famous Californian engineering firms—Messrs. Parsons, who are Engineering Contractors, and Messrs. Johnston International, who are manufacturers of pumps and other equipment for tube-wells. It is hoped that this combination will be able to execute the contract in time. The very well-known British firm of Brush Engineering Company has also given a full indemnity bond by which it makes itself responsible for the fulfilment of this contract by Messrs. Associated Tube Wells.

(g) As has been explained under (a) above, this contract is not simply for pumps but for the complete equipment required for tube-wells including drilling. In regard to drilling, the contractors have associated a well-known Indian firm with this work. In regard to other items also, equipment available from Indian sources will be utilised to the maximum extent possible. Although this was no part of the contract, the firm of Messrs. Johnston International, who are supplying the pumps for this contract, have also applied for permission to start a pump factory in India with their own capital. This request is under consideration by the Ministry of Industry and Supply.

(h) There is no separate quotation for the pumps but the cost of the pump is only one element in the cost of the complete well.

(i) The State Governments concerned are satisfied that the price for the

complete well is reasonable, having regard to all the other stipulations in the contract.

(j) As has been explained under (a) above, the contract is for complete tube-wells and it is not possible for the Government of India or the State Governments concerned to consider competitive quotations for particular components.

FOOD GRAINS RESERVE

***966. Shri Sardar Singhji:** Will the Minister of Food be pleased to state:

(a) whether it is intended to implement the proposal contained in the Gregory Report to hold a good reserve of foodgrains in the country.

(b) if so, what will be the quantity of different grains in the reserve; and

(c) if the reply to part (a) is in the negative, what are the reasons therefor?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) to (c). The improvement in the foreign exchange position is not such as would enable Government to build a reserve in addition to meeting the heavy demand for import of foodgrains resulting from calamitous crop and weather conditions.

ELECTRICITY FOR DELHI

***967. Giani G. S. Musafir:** (a) Will the Minister of Works, Mines and Power be pleased to state how much electricity is produced in Delhi at present?

(b) What is the present estimated demand of electricity of the citizens of Delhi?

(c) What are the plans to meet this demand and how much time they are to take to materialise?

The Minister of Works, Mines and Power (Shri Gadgil): (a) During the year ending 31st March, 1950 the total number of electrical units generated was 117 millions. It is expected that 122 million units of electricity will be generated in 1950-51. The safe generating capacity is 24,600 KW.

(b) The estimated demand of electricity in Delhi is about 40,000 KW.

(c) It is proposed to meet the present shortage and future anticipated demand of electricity in Delhi by—

(i) Installing one 5000 KW generating set which is under erection and due to be commissioned by the close of this year.

(ii) Erection of one new Power Station consisting of two 10,000 KW Turbo Alternator Sets one of which is expected to be commissioned by the end of 1951 and the other by the first quarter of 1952.

(iii) Obtaining 20,000 KW of electric power in 1953 from the Nangal Power Project of the Government of Punjab.

CATTLE SHOWS

***968. Shri Balmiki:** Will the Minister of Agriculture be pleased to state how far Government are helping cattle-shows in the States?

The Minister of Food and Agriculture (Shri K. M. Munshi): The Government of India give a grant to the All-India Cattle Show Committee which organises All-India Cattle Shows and occasionally Regional Cattle-Shows also.

SCARCITY OF FODDER

***969. Shri Balmiki:** Will the Minister of Agriculture be pleased to state:

(a) whether it is a fact that there is scarcity of fodder in the country; and

(b) if so, what measures Government are taking in this regard?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) According to the information available to Government, the overall position is that the quantity of fodder produced in the country is not sufficient to maintain the entire Cattle population in a state of nutrition necessary to enable them to produce their best. The general position is indicated in a statement laid on the Table of the House. [See Appendix VII, annexure No. 34.]

The overall shortage is not scarcity of such a nature as to cause loss of lives. Scarcity which leads to starvation and death is generally seasonal and is caused by the occurrence of famines.

(b) The hon. Member may kindly refer to the reply given to Starred Question No. 953 by Shri Moturi Satyanarayana in the then Constituent Assembly of India (Legislative) on the 8th March, 1949.

SCHOOLS UNDER N. S. RAILWAYS

***970. Shri S. V. Naik:** Will the Minister of Railways be pleased to state:

(a) how many primary, middle and high schools are being conducted by the N. S. Railways;

(b) whether there have been representations by the employees for higher studies facilities in these schools; and

(c) what action Government propose to take to increase the educational facilities for the children of the employees of the N. S. Railways?

The Minister of Transport and Railways (Shri Gopaldaswami): (a) There are 9 primary and 4 middle schools run by the N. S. Railway, but no high school.

(b) Yes.

(c) Before integration of the N. S. Railway with effect from 1st April, 1950, the question of transferring the Railway schools to the State Government had already been under consideration of the N. S. Railway and the Hyderabad Government. Consequent on the transfer of the N. S. Railway to the Centre, the question has been taken up by the Ministry of Railways at the instance of the Hyderabad Government and the final views of the State Government who are committed to the expansion of existing educational facilities in the State, are still awaited.

MAPS OF INDIA

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

(a) when Government propose to publish new maps of India with all her northern boundaries defined; and

(b) whether they will be published in Hindi also and if so, when?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) A new wall map of India showing all the northern boundaries is due for publication early in 1951.

(b) The Survey of India has in hand for publication very soon a Hindi edition of the 1" to 70-mile political map of India which was published in English early this year.

TRACTORS FOR RAJASTHAN

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

(a) how many tractors have been allotted to Rajasthan by the Central Tractor Organisation; and

(b) how private enterprise is being encouraged there?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) No tractors have been allotted to Rajasthan by the Central Tractor Organisation.

(b) The State Government grant taccavi loans to the public for the purchase of tractors. Loans are granted up to the extent of half the cost of the tractors, and they carry an interest of $3\frac{1}{2}$ per cent.

ALLOTMENT OF FOOD GRAINS

*973. **Shri A. C. Guha:** (a) Will the Minister of Food be pleased to state what have been the allotments of food grains from the Government of India to the different States during the year 1950?

(b) Has there been any increase in their allotments during the last three months due to the failure of crops in different States this year?

(c) What was the estimated shortage in those States between their requirements and their local production?

(d) Was any *per capita* requirement calculated before fixing the quotas for the different States?

(e) If the answer to part (d) above be in the affirmative, what are the *per capita* requirements for the different States in accordance with which quotas have been fixed?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) A statement showing the allotment of foodgrains to different States in 1950 is placed on the Table of the House. [See Appendix VII, annexure No. 35.]

(b) Yes, Sir, in many cases.

(c) A statement showing the deficits as estimated by the various State Governments at the beginning of this year is placed on the Table of the House. [See Appendix VII, annexure No. 36.]

(d) No, Sir.

(e) Does not arise.

COLOURING OF VEGETABLE GHEE

*974. **Shri Shiv Charan Lal:** Will the Minister of Agriculture be pleased to state:

(a) the decision taken by Government regarding colouring of vegetable oils (Banaspoti Ghee); and

(b) if it is not yet taken, why this delay and by what time will Government be able to do so?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) and (b). Various Research Bodies have been investigating at their own instance or at the instance of Government, the suitability of a colour for

Vanaspati since the last several years; but as yet no such colour has been discovered. The colour to be used has to be not repulsive to sight, taste or smell, not harmful to human health, reasonably stable and irremovable by ordinary physical or chemical methods. The Council of Scientific and Industrial Research have been requested by Government to pursue research for a suitable colour. The question of its compulsory addition to Vanaspoti can only be considered when such colour is available.

Meanwhile since March, 1947 Government have introduced, what may be called, latent colourisation of Vanaspoti by making it compulsory on the manufacturers to add five per cent. or more of sennamum oil sufficient to give a colour test by a simple chemical method.

CLAIMS FROM DISPLACED PERSONS

*975. **Shri B. K. Pani:** Will the Minister of Transport be pleased to state:

(a) the number of cases still pending for payment of the outstanding claims in respect of supplies and services rendered to the undivided Government of India up to and before the date of partition;

(b) the number of such claims relating to the area now included in Pakistan and how many of them belong to the displaced persons of Eastern Pakistan and Western Pakistan separately; and

(c) how many of these pending cases are of Eastern Pakistan and Western Pakistan?

The Minister of Transport and Railways (Shri Gopalaswami): (a) About 25,000 claims.

(b) and (c). The Accounts Officers do not maintain figures on a regional basis, nor is information available separately for displaced persons and others.

DECASUALIZATION OF RAILWAY PORTERS

*976. **Shri M. Naik:** (a) Will the Minister of Railways be pleased to state at what stations the experiment of decasualization of Railway porters is being carried on at present?

(b) Has any concession in licence fee payable by the porters been accorded under this system?

(c) Has any reduction of the portering rate payable by the travelling public been brought about?

(d) Are the porters under this arrangement eligible to the benefit enjoyed by the Railway employees?

(e) Has any financial or other advantage accrued to the Railway Administration by this experiment?

The Minister of State for Transport and Railways (Shri Santhanam): (a) A statement is placed on the Table of the House indicating the names of stations at which the experiment of decasualisation of railway porters has been carried out. [See Appendix VII, annexure No. 37.]

The scheme has now passed the experimental stage and all Indian Railways have been instructed to terminate progressively licensed porters contracts wherever they exist.

(b) Government have not complete information regarding the fees charged previously by contractors from porters. Under the decasualisation scheme, however, the fee is based on a "no profit no loss" principle to ensure that minimum license fees are recovered.

(c) No. The present authorised charges are considered reasonable.

(d) No, they are however eligible for medical treatment at Railway medical dispensaries.

(e) No monetary advantage has or is expected to accrue to the railways since the licence fee is on a "no profit no loss" basis. Better conditions of working for the licensed porters have however been secured and it is expected the passengers will get better service.

NUTRITION SECTION IN MINISTRY OF FOOD

***977. Shri Jagannath Mishra:** (a) Will the Minister of Food be pleased to state what are the functions of the Nutrition Section in the Ministry of Food?

(b) What special qualification do the officers in the Nutrition Section possess?

(c) When was this section established?

(d) Is it contemplated to run the section on permanent basis?

(e) Is there any proposal by the Government of India to open such sections in different States?

(f) What are the achievements of this section so far?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) The function of the Nutrition Section of the Ministry of Food is principally to disseminate latest information about the use of various forms of supplementary foods and diets which is useful from the point of view of securing a balanced diet at a time when there is an overall food shortage in the country. With a view to this end, exhibitions are held from time to time and talks over the radio are also arranged. This Section also has to co-ordinate similar work done in the States.

(b) They are trained in Nutrition Work. The Section Officer is a Ph.D. in Biochemistry and Nutrition and the Junior Officer is an M.Sc. in Nutrition.

(c) In 1945.

(d) As the Ministry of Food itself is not a permanent organisation, there is no question of placing the Nutrition Section on a permanent basis.

(e) It is left to the State Governments to decide about opening of such sections in the different States.

(f) During the brief period of its existence, however, the Section has done its best to disseminate up-to-date information relating to the use of supplementary foods and making up of a balanced diet.

THE PUBLICATION *Food and Nutrition*

***978. Shri Jagannath Mishra:** (a) Will the Minister of Food be pleased to state whether it is a fact that the publication "*Food and Nutrition*" has been discontinued and if so, why?

(b) What arrangements have Government made to educate the masses in the science of nutrition to combat against mal-nutrition and under-nutrition in these days of shortage of food supply?

(c) Have Government made arrangements for publication of booklets in regional languages on nutrition?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) The publication of "*Food and Nutrition*" was discontinued as a result of the economy drive.

(b) Articles on nutrition, use of supplementary foods and balanced diets, are published in newspapers from time to time. Also, exhibitions demonstrating the use of supplementary foods, display of charts and posters are arranged from time to time in addition to broadcast talks on nutrition. The All-India women's Food Council which has recently been

formed for the purpose of popularising the use of supplementary foods will also open a canteen shortly, where preparations of supplementary foods will be served to the public.

(c) The publication of booklets on nutrition in regional languages is the concern of State Governments and they were allowed to republish articles from the journal 'Food and Nutrition' in local languages.

MINERAL DEPOSITS OF TEHRI GARHWAL

*979. **Thakur Krishna Singh:** Will the Minister of Works, Mines and Power be pleased to state what steps have been taken so far in lapping the copper, lead, silver and other mineral deposits of Tehri Garhwal and of Himachal Pradesh?

The Minister of Works, Mines and Power (Shri Gadgil): A preliminary mineral survey of Tehri Garhwal was carried out by the Geological Survey of India during 1948-49, as a result of which some deposits of copper and lead-silver ore were selected for detailed exploration, which is being carried out at present.

In Himachal Pradesh also a number of mineral investigations were carried out by the Geological Survey of India during 1948-49 and 1949-50.

It is now left to private enterprise to interest itself in the information made available to the public by the Geological Survey.

NARKHED-JARUR-WARUR RAILWAY LINE

*980. **Shri Kannamwar:** (a) Will the Minister of Railways be pleased to state when the survey of constructing a new railway line from Narkhed in Madhya Pradesh to Jarur-Warur in Berar is to be undertaken?

(b) Since how many years the materials are lying at Narkhed Railway Station for the construction of that branch line?

The Minister of Transport and Railways (Shri Gopalaswami): (a) There is no proposal at present for carrying out a survey for a new railway line from Narkhed to Jarur-Warur.

(b) The materials lying at the Narkhed Railway Station are those released from relays between Narkhed and Nagpur during 1946-47, pending their utilization elsewhere and not for the construction of a new line.

SEEDGRAINS REQUIREMENTS

*981. **Ch. Ranbir Singh:** (a) Will the Minister of Agriculture be pleased to

state the total seedgrains needed for cereals, millets, pulses and edible oilseeds in India especially in the Centrally Administered Areas?

(b) How much seed is supplied by Government departments to the States?

(c) What precautions are taken for the safe storage of this in Government godowns in the Seed Schemes of the Grow More Food Campaign?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) A statement is laid on the Table of the House. [See Appendix VII, annexure No. 38.]

(b) Information has been called for from the State Governments and will be furnished to the House in due course.

(c) The State Governments have been advised to preserve seeds under scientific conditions which included drying, dusting and spraying of insecticides.

The extent to which these measures are adopted by the different State Governments depends upon the requirements of each case.

REGULATION OF LICENSED WAREHOUSES

*982. **Ch. Ranbir Singh:** Will the Minister of Agriculture be pleased to state what action the Government of India have taken so far in implementing the proposals of the Reserve Bank of India made in 1944 for the regulation of licensed warehouses in India?

The Minister of Food and Agriculture (Shri K. M. Munshi): The draft Bill prepared by the Reserve Bank in 1944 was, after consultation with the State Governments, revised and recirculated by the Bank to State Governments in December, 1948 together with draft rules. Bombay, Madhya Pradesh and Travancore have already enacted legislation on the lines recommended and have also framed rules thereunder. Madras and Mysore are reported to be considering the enactment of similar legislation.

सड़कों का निर्माण

*983. **श्री चार० ऐस० तिवारी:**
यातायात मंत्री यह बतलाने की कृपा करेंगे कि :

(क) क्या विन्ध्य प्रदेश में चन्दला, अमानगंज सेवड़ा की सड़कों के निर्माण का

कार्य, जिन की आज्ञा पहले जारी कर दी गई थी प्रारम्भ कर दिया गया है; तथा

(क) यदि नहीं, तो सड़कों का निर्माण कार्य कब प्रारम्भ होगा तथा इसको पूरा करने में कितना समय लगेगा ?

CONSTRUCTION OF ROADS

[*983. **Shri R. S. Tewari:** Will the Minister of Transport be pleased to state:

(a) whether the construction of roads in Chandla, Amanganj, Sewra in Vindhya Pradesh, the orders for which had earlier been issued has been started; and

(b) if not, when will the construction of roads start and how long will it take to complete it?]

The Minister of State for Transport and Railways (Shri Santhanam): (a) and (b). The required information is being collected and will be laid on the Table of the House in due course.

DISPLACED PERSONS' BILLS AND CLAIMS (PAYMENT)

*984. **Thakur Krishna Singh:** (a) Will the Minister of Transport be pleased to state why the Government of India are declining to pay to displaced persons who have in their possession confirmation of their amounts in respect of bills and claims for service rendered to the Government of India prior to the 15th August, 1947, given by the Pakistan Government?

(b) Is it a fact that amounts on verification are adjusted against pre-emption income-tax liabilities of displaced persons and contractors?

The Minister of Transport and Railways (Shri Gopalaswami): (a) Payment in whole or in part may have been withheld in some cases in which recovery certificates have been received from Income-tax Officers in Pakistan for realising the income-tax due from these persons. The hon. Member is referred in this connection to Section 46(9) of the Indian Income-tax Act.

(b) No Sir.

DELEGATIONS SENT ABROAD

*989. **Prof. K. T. Shah:** Will the Minister of Finance be pleased to state:

(a) the cost of the various delegations sent from India abroad, whether

to the U.N.O. or to any of its subsidiary organisations, to International Congresses and Conferences where this country is or has to be represented, of deputations of high officers of Government to Britain and other countries, apart from Official delegations;

(b) the cost of the Indian delegation to the celebrations of the Indonesian Republic; and

(c) what economies have been effected in expenditure in connection with Indian delegations to foreign countries in the Budget of the current financial year, and whether similar economies had been suggested by the Economy Committee of 1948-49?

The Minister of Finance (Shri C. D. Deshmukh): (a) During the current year, the estimated cost to civil estimates of such delegations sent between 1st April, 1950 and 30th November, 1950 is Rs. 8,18,000.

(b) Rs. 8,905.

(c) The Economy Committee made no specific proposal but only suggested that the composition of every delegation sent abroad should be as economical as possible. The Government's policy is to exercise the strictest economy in this matter. No individuals are sent from India if the subject for discussion is such as can suitably be handled by the staff of our Embassies. When it is found necessary to send a delegation from here, the number is kept down to the minimum.

A separate allotment for the expenditure on delegations is not made in the budget, such charges being booked against the heads to which the pay and allowances etc. of the officers concerned are debited. The estimated expenditure on account of the delegations of the types referred to by the hon. Member during 1949-50 was Rs. 26.5 lakhs. The expenditure this year is likely to be appreciably less.

EXTENSION OF CANTONMENT ACT TO OUTSIDE AREAS

*990. **Dr. Deshmukh:** (a) Will the Minister of Defence be pleased to state whether the provisions of Cantonments Act have been extended to any areas outside the Cantonment limits under provisions of section 286 of the Cantonment Act?

(b) If the answer to part (a) above be in the affirmative, will Government lay on the Table of the House a statement showing the Cantonments in which such areas have been included, the extent of such inclusion and the extent of application of the Act to such inclusions?

(c) Was any compensation paid at the time of inclusion and if so, what was the amount in each case?

(d) After the extension of the provisions of Cantonments Act to these areas, do these areas remain within State Municipal or District Board limits?

(e) Has the position been re-examined after the inauguration of the Constitution of India, and if so, with what result?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) Yes, Sir.

(b) A statement showing the areas outside Cantonments to which certain provisions of the Cantonments Act, 1924 have been applied under section 286 of the said Act and the provisions so applied is placed on the Table of the House. [See Appendix VII, annexure No. 39.]

(c) No, since inclusion does not involve any acquisition.

(d) Yes, for purposes other than those covered by the provisions of Cantonments Act applied to those areas.

(e) Yes. So far as can be seen, the inauguration of the Constitution does not affect this question.

माध्यमिक शिक्षा अयोग

*१९६. श्री इन्द्र विद्यावाचस्पति : शिक्षा मंत्रो यह बतलाने की कृपा करेंगे कि :

(क) क्या माध्यमिक शिक्षा आयोग, जिसकी योजना शिक्षा सचिवालय ने बनाई थी तथा जिसके लिये स्थायी समिति ने २,२४,००० रुपये स्वीकृत किये थे, नियुक्त कर दिया है ;

(ख) यदि ऐसा है, तो इस आयोग के कौन कौन सदस्य हैं ; तथा

(ग) यह अपना कार्य कब आरम्भ करेगा ?

SECONDARY EDUCATION COMMISSION

[*996. **Shri Indra Vidyavachaspati:** Will the Minister of Education be pleased to state:

(a) whether the Secondary Education Commission regarding which a scheme 246PSD

was drawn out by the Ministry and for which a sum of Rs. 2,24,000 was sanctioned by the Standing Committee, has been appointed;

(b) if so, who are the Members of the Commission; and

(c) when will it start to function?]

The Minister of Education (Maulana Azad): (a) The appointment of the proposed Secondary Education Commission has since been postponed for the present, in view of the existing financial condition.

(b) Does not arise.

(c) Does not arise.

PILOT PLANTS

*1005. **Shri Raj Bahadur:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that "Pilot Plants" worth several lakhs of rupees are lying idle at Delhi Polytechnic;

(b) if so, why and how long it will take the authorities to utilise them; and

(c) how long have they been lying in this condition?

The Minister of Education (Maulana Azad): (a) and (b). Three plants of the total value of Rs. 1,39,672 have not yet been completely erected and put into commission. Erection work is, however, in progress on two of them. This work is expected to be completed within a period of two months. The third plant *viz.*, Soap Plant, costing Rs. 26,000 is proposed to be installed as soon as the new buildings now under construction are ready. Machinery costing Rs. 13,105 only obtained for use in the Engineering and Textile Technology Departments has not been installed so far, as it is proposed to house it in the new block under construction. The main reason for the delay in the installation of plant and machinery has been lack of adequate space. It is expected that some of the buildings will be completed by March 1951 and the rest by June 1951. Immediate steps will be taken to instal the machinery on completion of the buildings.

(c) The Vulcan Distillation Column was received in November 1948 and the Plastic Machinery in September 1949. The Soap Plant was received in July 1949 and the rest of the machinery has been received during the period March to September 1950.

RECRUITMENT OF SCHEDULED TRIBES

*1006. **Shri Subbiah:** (a) Will the Minister of Home Affairs be pleased to state whether it is a fact that instructions have been issued to various States for recruitment of Scheduled Castes to the various services including Central Services, and if so, what is the percentage recommended for each State and for the Centre?

(b) Are State Governments giving effect to these instructions?

(c) If so, how?

The Minister Without Portfolio (Shri Rajagopalachari): (a) Instructions issued in regard to Central Services (including Services and Posts in Part C States) have already been laid on the Table of the House in connection with the reply to Starred Question No. 254 on the 22nd November 1950. The percentages of vacancies reserved for Scheduled Castes are as follows:

When recruitment is made on an All-India basis by open competition.—12½.

When recruitment is made on an All-India basis otherwise than by open competition.—16 2/3.

Local recruitment (i.e., recruitment to vacancies for which only those residing in the area or locality in which the offices are situated are likely to apply).—Approximately the percentage of population of Scheduled Castes in that area or locality.

The constitutional position regarding employment of Scheduled Castes and other classes of citizens in the public services of the States has been brought to the notice of the Governments of Part A and Part B States and they have been advised to review, and if necessary to revise, their orders to bring them in conformity with those provisions.

(b) and (c). Complete information on these points is awaited.

DEPOSIT OF HYDERABAD GOVERNMENT IN PAKISTAN BRANCH OF HYDERABAD STATE BANK.

*1007. **Shri Subbiah:** (a) Will the Minister of States be pleased to state the amount of deposit of Hyderabad Government in Pakistan branch of Hyderabad State Bank just before the Police Action?

(b) Has the amount been transferred to Hyderabad Government?

(c) If not, what are the steps taken to bring back the money into the Indian Union?

The Minister of Transport and Railways (Shri Gopalaswami): (a) Rs. 2,18,55,214-1-9.

(b) A sum of Rs. 35,755-9-10 alone has been transferred back to the Government of Hyderabad. The whole of the balance of Rs. 2,18,19,458-7-11 was, while the Police Action was in progress, withdrawn by the Hyderabad Government's Agent General in Karachi.

(c) The Pakistan Government who were addressed have replied that it is not possible for them to recognise the status of India vis-a-vis Hyderabad. The question of taking suitable measures to recover the money continues to be under the consideration of the Government.

FINANCE AND FOREIGN MINISTERS OF PAKISTAN

*1008. **Shri Subbiah:** (a) Will the Minister of States be pleased to state the amounts paid to the present Finance Minister and the Foreign Minister of Pakistan by the Hyderabad Government, before the Police Action?

(b) Is any attempt being made to recover the money?

The Minister of Transport and Railways (Shri Gopalaswami): (a) and (b). It is not in the public interest to disclose this information.

CANTONMENTS (HOUSE ACCOMMODATION) ACT

*1014. **Dr. Deshmukh:** (a) Will the Minister of Defence be pleased to state the particular cantonments or parts of cantonments in which the provisions of Cantonments (House Accommodation) Act have been made operative under section 1(3) of that Act?

(b) Has any house been appropriated on lease under section 5 of the Cantonments (House Accommodation) Act in any cantonment, and if so, where, when and for what period?

(c) Are houses being appropriated on lease for military requirements on conditions other than those mentioned in the Cantonments (House Accommodation) Act and if so, what are those conditions and in what manner these differ from those in the Act?

(d) If the answer to part (c) above be in the affirmative, will Government be pleased to state whether appropriation on conditions other than those mentioned in the Act is optional on the part of the house-owner or is it compulsory?

The Deputy Minister of Defence (Major-General Himatsingh): (a) A

list of cantonments in which the Cantonments (House Accommodation) Act, 1923, is operative is placed on the Table. [See Appendix VII, annexure No. 40.]

(b) Yes. A statement showing the cantonments where houses have been appropriated under section 5 of the Cantonments (House Accommodation) Act, 1923, together with the date and period of such appropriation is placed on the Table. [See Appendix VII, annexure No. 41.]

(c) Yes. A specimen of the Form of Agreement used in cases where houses are occupied by Government in cantonments by private negotiations otherwise than under the Cantonments (House Accommodation) Act, 1923, is placed on the Table. [See Appendix VII, annexure No. 42.]

(d) Optional, unless within the terms of the grant under which the land is held the Government can appropriate the house.

MOBILISATION OF SMALL SAVINGS

*1017. **Prof. Ranga:** Will the Minister of Finance be pleased to state:

(a) whether Government have any scheme for mobilising the small savings of peasants and workers in the country and utilising them for nation-building purposes;

(b) whether it is a fact that one Mr. Ponappa from Coorg has submitted a scheme for mobilisation of the small savings; and

(c) if so, what have Government done or propose to do with the scheme?

The Minister of Finance (Shri C. D. Deshmukh): (a) Facilities for the investment of small savings are provided throughout the country and recently the system of authorised agents has been revived in three States as an experimental measure for mobilising savings in both rural and urban areas. Other methods such as the extension of banking facilities in rural areas, the appointment of Sub-Post Masters as authorised agents for the sale of National Savings Certificates are under active examination.

(b) Yes, Sir.

(c) The scheme was considered carefully and found to be impracticable.

FORT COCHIN

*1018. **Shri Lakshmanan:** Will the Minister of States be pleased to state:

(a) whether there has been any representation from the Travancore-Cochin State Government that Fort Cochin may be ceded to that Government; and

(b) if so, whether any action has been taken on that representation?

The Minister of Transport and Railways (Shri Gopalaswami): (a) Yes.

(b) In the absence of agreement between the Governments of Madras and Travancore-Cochin the Government of India decided not to transfer the Fort Cochin and the Pattom lands attached to it to Travancore-Cochin.

GLARING HEADLIGHTS

*1019. **Shri Frank Anthony:** (a) Will the Minister of Home Affairs be pleased to state whether one of the main causes of street accidents in New Delhi and Delhi is the unchecked use of glaring headlights in motor vehicles?

(b) What steps, if any, have Government taken to eliminate this danger?

The Minister Without Portfolio (Shri Rajagopalachari): (a) No.

(b) Does not arise.

हिन्दी

*१०२०. **श्री जांगड़े:** गृह कार्य मंत्री यह बतलाने की कृपा करेंगे कि क्या केन्द्रीय प्रशासित क्षेत्रों में से किसी क्षेत्र में हिन्दी को अतिरिक्त सरकारी भाषा के रूप में प्रयोग करने की अनुमति है; यदि नहीं तो क्यों ?

HINDI

[*1020. **Shri Jangde:** Will the Minister of Home Affairs be pleased to state if Hindi is permitted to be used as an additional official language in any of the Centrally Administered Areas and if not, why not?]

The Minister Without Portfolio (Shri Rajagopalachari): No orders have been issued by the Central Government in the matter. Local languages, however, vary in the different Centrally Administered Areas and while Hindi is being used as an additional official language in the courts of Delhi, Himachal Pradesh and Vindhya Pradesh, it will take some time before it can be introduced as an additional official language in other Centrally administered Areas such as Cutch, Tripura and Manipur.

LAW OF EXTRADITION

*1021. **Shri R. K. Chaudhuri:** (a) Will the Minister of Home Affairs be pleased to state whether it is a fact that the Law of Extradition is still applied in case of apprehensions of persons belonging to Part B States accused of offences committed in other States formerly belonging to British India?

(b) Do Government propose to remove this anomaly and if so, when and by what measure?

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

(b) A Bill to provide for the extension of the Code of Criminal Procedure, 1898, to Part B States, is proposed to be introduced in the current session of Parliament.

SUGAR IN HYDERABAD

*1022. **Shri K. Valdyia:** Will the Minister of States be pleased to state what is the total production of Sugar in Hyderabad State and of the Nizam Sugar Factory?

The Minister of Transport and Railways (Shri Gopaldaswami): The total production of sugar in the Nizam Sugar Factory during October 1949 to April 1950—the period during which the factory was in production for 1949-50 sugar season—was 19,837 tons. As there are no other sugar factories in the State, the figure represents the total sugar production for the State.

SCHEDULED TRIBES

*1023. **Shri Balwant Sinha Mehta:** Will the Minister of Home Affairs be pleased to state:

(a) how could the population of Scheduled Tribes in Rajasthan have been estimated at 4.47 lakhs without the demarcation of the Scheduled Areas in Rajasthan; and

(b) what led to delay in declaring the Scheduled Areas in Rajasthan?

The Minister Without Portfolio (Shri Rajagopalachari): (a) and (b). A statement explaining the position is placed on the Table of the House. [See Appendix VII, annexure No. 43.]

ASSESSMENT OF INCOME TAX

*1024. **Shri Nandkishore Das:** Will the Minister of Finance be pleased to state:

(a) whether any time limit is imposed on an income-tax assessee after receipt of assessments order to prefer

an appeal, if he so desires, against the assessment;

(b) whether any time limit is imposed on the first appellate authority to take up hearing of the appeal;

(c) whether it is a fact that no assessment is levied with respect to a subsequent assessment year until and unless assessment for the previous year is finally disposed of;

(d) whether it is a fact that in the Income-tax Special Circle, Cuttack, there are appeals even for the assessment year 1946-47 still pending before the Assistant Commissioner, competent to hear such appeals; and

(e) if the answer to part (d) above be in the affirmative, what is the number of such appeals and what is the reason for the delay in disposing them off?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes. Under Section 30(2) of the Indian Income-tax Act, appeals have ordinarily to be presented within 30 days of receipt of the notice of demand.

(b) No.

(c) No.

(d) and (e). The number of appeals for assessment year 1946-47 relating to the Special Circle, Cuttack, pending at present is reported to be 15 only. Owing to the delay in completion of assessments 4 of these appeals were filed in 1948, 6 in 1949, and 5 in 1950.

Of the appeals filed in 1948 and 1949—

6 had been fixed for hearing, but were adjourned at the request of the assessee,

1 is awaiting decision in another case,

1 is awaiting result of Section 27 application, and

2 are being fixed for hearing.

All the five appeals filed in 1950 are awaiting reports from the Income-tax Officers. The Appellate Assistant Commissioner, Cuttack, has already been asked to clear all old appeals at an early date.

विदेशों में शिक्षा पाने वाले भारतीय

*१०२५. इन्द्र विद्यावाचस्पति : क्या शिक्षा मंत्री यह बतलाने की कृपा करेंगे :

(क) उन भारतीय विद्यार्थियों की संख्या क्या है जो १९५०, ५१ में विदेशों द्वारा स्वीकृत छात्रवृत्तियों से विदेशों में शिक्षा प्राप्त कर रहे हैं :

(ख) उन देशों के नाम जहां वह शिक्षा प्राप्त कर रहे हैं; तथा

(ग) वह विषय जिन का वह अध्ययन कर रहे हैं ?

INDIANS STUDYING ABROAD

*1025. **Shri Indra Vidyavachaspati:** Will the Minister of Education be pleased to state:

(a) the number of Indian students who are studying abroad under scholarships granted by foreign countries in the year 1950-51,

(b) the names of the countries where they are studying, and

(c) the subjects for which they are studying?]

The Minister of Education (Maulana Azad). (a) to (c). A statement showing particulars of scholarship awards made to Indian students by foreign countries during 1950-51 as far as the Government are aware, is placed on the Table of the House. [See Appendix VII, annexure No. 44.]

INDIGENOUS DISPENSARIES

*1026. **Shri Balmiki:** Will the Minister of Health be pleased to state how many indigenous dispensaries are working in the Centrally Administered Areas?

The Minister of Health (Rajkumari Amrit Kaur): The number of indigenous dispensaries in the various Centrally Administered Areas is as follows:

Centrally Administered Area	Indigenous dispensaries
(1) Bilaspur.	34
(2) Ajmer.	63 (All maintained by members of the public).
(3) Himachal Pradesh.	41 (34 Government 6 District Boards and 1 private)
(4) Bilaspur.	2
(5) Tripura.	Nil
(6) Delhi.	8 (run by the local bodies)

(7) Manipur.	Nil.
(8) Vindhya Pradesh.	37 (apparently maintained by the State Government).
(9) Kutch.	5
(10) Coorg.	11
(11) Andaman and Nicobar Islands	Nil.
	261

BHONSLA MILITARY SCHOOL

*1027. **Shri Rathnaswamy:** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that the Bhonsla Military School at Nasik has to be closed unless some financial aid is forthcoming to run it; and

(b) if so, whether any steps have been taken either by the Centre or the State of Bombay to aid this institution?

The Deputy Minister of Defence (Major General Himatsinhji): (a) This is a private institution and Government have no information about this matter.

(b) No aid has been given by the Centre. We have no precise information whether any aid has been given by the Government of Bombay or not.

विन्ध्य प्रदेश में सेना का वियोजन

*१०२८. श्री द्विवेदी: क्या मंत्री यह बतलाने की कृपा करेंगे कि विन्ध्य प्रदेश में सैन्य वियोजन के फलस्वरूप सरकार कितना अनुमित धन बचा सकेगी ?

DISBANDMENT OF FORCES IN VINDHYA PRADESH

*1028. **Shri Dwivedi:** Will the Minister of Defence be pleased to state the estimated amount of money Government will save as a result of the disbandment of forces in Vindhya Pradesh?]

The Deputy Minister of Defence (Major General Himatsinhji): About Rs. 8 lakhs per annum.

ECONOMY COMMITTEE'S REPORT

*1029. **Shri K. V. Ranga Reddy:** (a) Will the Minister of States be pleased to state whether the Government of Hyderabad are empowered to give effect to all the recommendations made by the Economy Committee in their report or whether the sanction

of the Government of India is necessary in respect of all or some of the items?

(b) If sanction is necessary in respect of certain items, what are those items?

The Minister of Transport and Railways (Shri Gopaldaswami): (a) and (b). The Hyderabad Government is primarily concerned with the implementation of the recommendations of the Gorwala Committee Report; but the Government of India have asked that they should be consulted before the Government of Hyderabad reach their decisions on important questions of policy. We are awaiting the recommendations of the State Government in this matter.

MILITARY COLONIZATION

***1030. Ch. Ranbir Singh:** Will the Minister of Defence be pleased to state:

(a) the number of applications so far received for the allotment of land to the ex-military and military personnel, entitled to get land under the Military Colonization Scheme; and

(b) the number of persons so far allotted land under this scheme?

The Deputy Minister of Defence (Major General Himatsinhji): (a) and (b). Serving military personnel are not entitled to the benefits of the scheme which is meant exclusively for ex-servicemen. From ex-servicemen, 5,500 applications have been received, out of which 3,788 applicants have so far been allotted land.

POLYTECHNIC INSTITUTES

***1031. Maulvi Haneef:** (a) Will the Minister of Education be pleased to state how many Polytechnic Institutes were proposed to be started in India?

(b) What amount have Government sanctioned so far for the purpose?

(c) How many of such institutes have already been started?

The Minister of Education (Maulana Azad): (a) The Central Government had planned to set up only one Polytechnic and this was started in 1941 in Delhi.

As regards the State Governments only the Government of Madras had a scheme for starting Polytechnics. Under this scheme 8 Polytechnics were to be opened.

(b) The Central Government have so far spent about Rs. 24,00,000 (Rupees

twenty-four lakhs) on the Delhi Polytechnic during the last nine years. Government have no information as regards the amount spent by the Government of Madras in implementing their scheme.

(c) All the nine institutes are now functioning.

SHARE OF INCOME-TAX TO HYDERABAD

***1032. Shri K. V. Ranga Reddy:** (a) Will the Minister of Finance be pleased to state whether it has been decided to pay a fixed amount to the Hyderabad State on account of their share of income-tax etc., falling under the Union List, and if so, what?

(b) On what date and between what parties was that decision made?

(c) Had the Nizam been made Rajpramukh by then?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). The hon. Member's attention is invited to the Agreement dated the 25th February 1950 entered into between the President of India and Rajpramukh of Hyderabad, copies of which have already been circulated to hon. Members of Parliament.

(c) Yes, Sir.

EXCHANGE OF STUDENTS BETWEEN INDIA AND CZECHOSLOVAKIA

***1033. Shri D. S. Seth:** Will the Minister of Education be pleased to state:

(a) whether there were ever any proposals for exchange of students between India and Czechoslovakia;

(b) if so, what were these proposals and what is the position at present;

(c) whether the Government of India ever unilaterally turned down any proposals for exchange of students advanced by Czechoslovakia or any other country; and

(d) the countries with which India has agreed for the exchange of students, the number of students involved and the conditions governing the exchange?

The Minister of Education (Maulana Azad): (a) Towards the end of 1948, the Czechoslovak Government informed us that they were prepared to grant scholarships to Indian students at Czech Universities, provided the Government of India were willing to offer the same number of scholarships to Czech students at Indian Universities.

(b) The Czech Government offered five scholarships for the year 1948-49.

Each scholarship was worth 33,000 Czech-Crowns, a year and included travelling expenses up to 35,000 Czech-Crowns. It was suggested that so far the grants of travelling expenses were concerned each Government should pay for its own students. Due to a number of difficulties, the proposal could not be finalised.

(c) No, Sir.

Acceptance of any such proposal depends upon financial and other considerations by each Government.

(d) The Government of India have agreed for the exchange of students with Egypt, Turkey and France. The terms and details of these schemes are given in the statement placed on the Table of the House. [See Appendix VII, annexure No. 45.]

FILMS DIVISION AT PATNA

*1034. **Shri Kamath:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether Government have decided to close down the Films Division at Patna; and

(b) if so, the reasons therefor?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) The Films Division is located in Bombay; there is only a post of Newsreel Cameraman at Patna the continuance of which is under consideration in connection with economy measures.

(b) Does not arise.

JOINT SERVICES WING OF INDIAN MILITARY ACADEMY, DEHRA DUN

*1035. **Thakur Krishna Singh:** Will the Minister of Defence be pleased to state what was the total cost involved in the training of the Temporary Commissioned Officers since 1948 and how many of them were Commissioned?

The Deputy Minister of Defence (Major General Himatsinhji): (i) Total cost from 1st September 1948 to 15th July 1950.—Approximately Rs. 14½ lakhs.

(ii) Number granted temporary commissions.—1075.

BUILDINGS OF DEFENCE FORCES

*1036. **Prof. Ranga:** Will the Minister of Defence be pleased to state:

(a) whether there are a number of unoccupied and un-repaired buildings used formerly for army camps, near Vizagapatam-Simhachalam, Nagpur, Bhopal, Madras and other places,

which are no longer being used by the defence forces; and

(b) if so, how many buildings and in how many camps?

The Deputy Minister of Defence (Major General Himatsinhji): (a) Yes.

(b) A statement is laid on the Table of the House. [See Appendix VII, annexure No. 46.]

FOREIGN OFFICERS IN ORDNANCE FACTORIES

*1037. **Shri K. Vaidya:** (a) Will the Minister of Defence be pleased to state whether our ordnance factories are working to their full capacities?

(b) Are there any schemes for their further expansion?

The Deputy Minister of Defence (Major General Himatsinhji): (a) Yes, as far as practicable, taking into account our shortage of technical personnel and, in some instances, of basic material.

(b) Yes.

RESERVE BANK AT MADRAS

*1037-A. **Shri Sanjivayya:** Will the Minister of Finance be pleased to state.

(a) whether it is a fact that the Reserve Bank at Madras will be housed in a new building to be constructed on the Island Grounds;

(b) whether it is a fact that the Corporation of Madras have objected to it; and

(c) if so, what has happened later?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). There was a proposal to construct a building for housing the office of the Reserve Bank of India on a site near the Stanley Club, This was given up as the Corporation of Madras objected to the construction of a building on that site.

(c) The Corporation of Madras has suggested to the Bank authorities an alternative site which is now under consideration.

TRANSFER BUREAU OF HOME MINISTRY

*1037-B. **Babu Gopinath Singh:** Will the Minister of Home Affairs be pleased to state:

(a) the number of displaced persons from West Punjab, Sind and East Bengal for whom employment was found by the Transfer Bureau of Home Ministry;

(b) the number of such persons who have since been retrenched as a result of economy, drive; and

(c) the number of such persons who are still employed and how many of them have been made permanent or quasi-permanent?

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

ANCIENT MONUMENTS

***1037-C. Shri Kamath:** Will the Minister of Education be pleased to state:

(a) the expenditure incurred during the current year on the repair and maintenance of each of the monuments listed under the Preservation of Ancient Monuments Act; and

(b) whether any such monuments, which are in need of repair, and about which representations to that effect were made, have been unattended to?

The Minister of Education (Maulana Azad): (a) A statement is laid on the Table of the House. [See Appendix VII, annexure No. 47.]

(b) Excepting the monuments at Sibsagar which have been affected by recent earth-quake, no other protected monuments in need of repair about which representations to that effect were made, have remained unattended to. Conservation measures in respect of the monuments at Sibsagar are being planned.

POLY-LINGUAL SHORTHAND SYSTEM

***1037-D. Pandit M. B. Bhargava:** Will the Minister of Education be pleased to state:

(a) whether Government have so far come across any Poly-Lingual Shorthand System already in existence adaptable not only to all the Indian languages as envisaged by the Ad Hoc Committee in their recommendation No. d(ii) but also to English;

(b) if so, whether the Central or the State Government concerned have taken any step to examine it exhaustively from the above viewpoints, instead of establishing a Board of experts to evolve a new system itself and if not, what are the reasons;

(c) whether Government have realized the imperative necessity of nationalizing the art of English stenography with a view to saving crores of rupees which drain out of this country annually due to the prevalence of

various foreign Shorthand Systems and if not, what are the reasons;

(d) whether any grant-in-aid or State scholarships have been granted to the institutions carrying out research work of national importance of the above nature and if so, to how many and on what criterion; and

(e) whether the inventors concerned have been supplied with the relevant extracts from the Ad Hoc Committee's report in order to enable them to work on the suggestions and findings of the Committee and if not, what are the reasons?

The Minister of Education (Maulana Azad): (a) and (b). Government have not come across any Poly-Lingual Shorthand system but have received a claim that such a system has been evolved. As a result of recommendation of the Ad Hoc Committee and at the instance of Government, the All India Board of Technical Studies in Commerce and Business Administration have set up a committee of experts in Phonetics and grammar and in Shorthand.

(i) to examine the various systems of shorthand evolved for the Hindi Language, their scope for development and adoption in practice.

(ii) to examine the nature of various Indian languages from the viewpoint of the needs of a Shorthand system and to explore the possibility of evolving a Shorthand system, suited to the Federal Language and also with required modifications to the several regional languages, and

(iii) to examine the desirability or otherwise of conducting examinations in Hindi Shorthand for the award of proficiency certificates.

(c) Government are fully alive to the necessity of Shorthand system suited to Federal and regional languages.

(d) No.

(e) The report is under print and copies will be available for the use of those interested in it.

CONSTITUENT ASSEMBLY FOR HYDERABAD

***1037-E. Shri K. Vaidya:** (a) Will the Minister of States be pleased to state whether the Government of India had given any promise to the people of Hyderabad after Police Action that the people of Hyderabad would decide their future?

(b) Do Government contemplate to hold the elections of Hyderabad Legislative Assembly earlier than the elections in other States?

(c) As there is no Legislative Assembly of any kind in the State of Hyderabad, do Government propose to hold the elections of Hyderabad Assembly as early as possible?

The Minister of Transport and Railways (Shri Gopalaswami): (a) Yes.

(b) and (c). The intention is that, instead of holding separate elections for the Constituent Assembly and the State Legislature of Hyderabad, only one election should be held along with the elections to the Legislatures of other States under the Constitution. The functions for which the Constituent Assembly was to be convened will be performed by the newly elected Legislature.

DECCAN AIRWAYS PLANE CRASH (ENQUIRY)

50. Shri Sidhva: (a) Will the Minister of Communications be pleased to refer to the reply to my short notice question regarding a Deccan Airways Plane Crash asked on the 19th April, 1950 and state whether the enquiry of the crash has been completed?

(b) If so, what is the result of the enquiry?

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

(b) The main cause of the accident was that the left side engine failed after the aircraft had successfully taken off from the airport. The pilot then attempted to return to the aerodrome. He therefore made a left hand turn which however, proved to be too wide to enable him to land on the runway. He then attempted to perform another circuit. But the load carried on the aircraft was excessive and prevented the maintenance of height. The left wing of the aircraft struck a tree 2 miles South of the airport; a crash to the ground and fire followed. The aircraft was extensively damaged and all three members of the crew were killed.

The question of taking legal proceedings against the official of the company responsible for the overloading is under consideration.

Three Fairbanks weighing scales have now been obtained and are being used for percentage checks of weight of aircraft operating from Calcutta.

ENGINE DERAILMENT

51. Shri Sidhva: (a) Will the Minister of Railways be pleased to state whether it is a fact that on or about

the 15th August, 1950 an engine was derailed in the Lucknow Station traffic yard?

(b) What was the cause of this derailment and is it a fact that due to this derailment no engine could come out from the loco shed to the main railway station? If so, how many trains were detained due to this situation?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Apparently the reference is to the derailment, during shunting, of a brakevan and two ash wagons in the Lucknow station goods yard, at about 17.4 hours on 14th August, 1950. There was no derailment of an engine and in the traffic yard, as stated in the question.

(b) This derailment was caused by mis-manipulation of points by the Cabin Signalman. Due to this derailment, the entry into and exit from the Loco Shed of engines, etc., were blocked. Consequently, the incoming train engines had to be utilised to work outgoing trains, after replenishment of coal and water, and change of crews in the traffic yard itself. The following trains suffered detentions on this account:

9 Up Express—55 mts.

19 Dn. Express—1 hour and 30 mts.

7 Up Lucknow Kanpur Express.—1 hour and 30 mts.

ANDAMANS FISHERY DEVELOPMENT STATION

52. Shri S. C. Samanta: Will the Minister of Agriculture be pleased to state:

(a) whether the scheme for the establishment in the Andamans of a Fishery Development Station combined with a Research Station has matured;

(b) if so, what is the progress of work done; and

(c) if not, what are the difficulties that stand in the way?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) to (c). A scheme for the establishment of a Marine Biological and Fisheries Research Station in the Andamans has been prepared. It involves an expenditure of Rs. 10,53,000 on non-recurring items and Rs. 1,97,620 on recurring items. In view of the financial stringency, funds for the scheme are not likely to be available immediately. Further consideration of the scheme has, therefore, been postponed until funds are likely to be available.

INDIAN CENTRAL OILSEEDS COMMITTEE

53. **Prof. Ranga:** (a) Will the Minister of Agriculture be pleased to state whether it is a fact that the Indian Central Oilseeds Committee has recommended that the Central Office should be shifted from Delhi to a place situated in the heart of oilseeds producing region?

(b) If so, when will that recommendation be implemented?

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

(b) The matter is under consideration.

VIRGIN AGENCY TRACTS (CULTIVATION)

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

(a) whether Government have received some proposals for bringing under plough the virgin agency tracts of West Godavari, East Godavari and Vizagapatam districts which cover an acreage of more than a lakh;

(b) whether it was suggested to Government by scientists concerned that this area, which is now infested with Malaria, can easily be rid of Malaria by the application of D.D.T. etc.

(c) whether such development of this agency tract will help Government in their Grow More Food campaign and yield them large quantities of rice; and

(d) if so, what steps Government have taken in that direction?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) No.

(b) No suggestion with reference to this tract has been received by the Government.

(c) Yes.

(d) The Government of Madras have appointed a Special Agency Development Officer and a team of experts for formulation and implementation of the development plan in these areas. Besides, they have sanctioned Anti-malarial Units for selected centres in the three Agency Areas.

LAND UNDER CULTIVATION IN RAJASTHAN

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

(a) how much acreage of land is under cultivation in Rajasthan for wheat, cotton, gram and sugar-cane; and

(b) what percentage of land is still lying fallow there?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) During 1949-50, the latest year for which information is available, the following areas were under cultivation in Rajasthan:

Thousand acres.

Wheat.—938.

Cotton.—282.

Gram.—1570.

Sugar-cane.—30.

(b) Data available for 1946-47 for 11 States now included in Rajasthan indicates that the area under current fallows was 13.8 per cent. of the geographical area.

AGRICULTURAL RESEARCH STATIONS

56. **Shri Sivaprakasam:** Will the Minister of Agriculture be pleased to state the names of Agricultural Research Stations in India financed by the Central Government and the nature of research work carried on by each?

The Minister of Food and Agriculture (Shri K. M. Munshi): A statement giving the information is laid on the Table. [See Appendix VII, annexure No. 48.]

NURSES IN INDIA

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

(a) the stipend per head granted by the Government of India to nurses during training;

(b) the curriculum and minimum qualifications for trainees;

(c) the hours of duty, rest and leisure;

(d) the leave rules;

(e) the rules regarding provident fund, bonus, gratuity, pension;

(f) the accommodation and recreation facilities; and

(g) the steps that have been or are being taken by Government to attract suitably educated girls to nursing as a career and to improve their working conditions?

The Minister of Health (Rajkumari Amrit Kaur): (a) The rate is Rs. 15—20—25—30 p.m. during the 1st, 2nd, 3rd and 4th year of training respectively.

(b) The main subjects in the curriculum for general nursing are:

- (1) Anatomy.
- (2) Physiology.
- (3) Surgical, medical, gynaecological and children's nursing.

The minimum requirement regarding the educational qualifications of candidates is VIII standard pass. The Indian Nursing Council has, however, recommended that it should be completion of the course for Matriculation or its equivalent.

(c) (i) *Hours of duty*.—Usually 50 to 60 hours per week on day duty and up to 84 hours a week when on night duty.

(ii) *Hours of rest and leisure*.—At least one full day off each month. Usually extra time off is given after a period of night duty.

(d) A nurse is usually granted one calendar month's privilege leave in a year. Casual leave and sick leave are also granted according to Government rules.

(e) There is provision for provident fund or pension except in Ajmer, but there is no provision for bonus or gratuity.

(f) Nurses are given free furnished quarters in the vicinity of the hospital in Delhi and Coorg. The training schools for nurses make some provision for recreation such as provision of indoor games and a badminton or tennis court. A library is also provided in training schools. Films are often shown in the evenings.

(g) To attract educated girls to nursing as a career a College of Nursing has been established in Delhi. This College offers a course leading to B.Sc. (Hons.) degree in nursing. The increasing number of Sister Tutors, who are being trained in the College of Nursing in Delhi makes it possible to improve the training programmes in the hospital schools. The possibilities of nursing as a satisfying career for educated girls have been recognised and are being explored ever since the National Government came in to power. Our contacts with W.H.O. teams have spurred activity also in this sphere. Salaries of nurses have been raised, the higher posts now carry gazetted rank and steps are being taken to provide better living accommodation and to reduce working hours where they are unduly long.

DISPLACED PERMANENT GOVERNMENT SERVANTS

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

(a) whether the displaced permanent Government servants who have been taken up in Government service in India are still temporary; and

(b) whether their service in Pakistan will be taken into account for purposes of pension?

The Minister Without Portfolio (Shri Rajagopalachari): (a) Displaced Government servants from Pakistan were generally taken into service under the Government of India initially on a temporary basis. The arrangements contemplated in regard to their confirmation have been fully explained in the Review of the Activities of the Ministry of Home Affairs for 1949, Section III, para. 5. In the meantime they are eligible for consideration for quasi-permanency under the Central Civil Services (Temporary Service) Rules, 1949. They have also been accorded special protection in various other ways as explained in the Review, and in paragraphs (6) to (10) of a statement which was laid on the Table of the House in answer to Starred Question No. 254 by Sardar Hukam Singh on 22nd November 1950.

(b) It has not been possible so far to persuade the Government of Pakistan to agree to an arrangement for acceptance of liability for pension in respect of the past service in Pakistan or India of Provincial Government servants who migrated from one country to the other. But efforts in this behalf are continuing.

SUSPENSION AND COURT MARTIAL OF COMMISSIONED OFFICERS

59. Shri Kamath: Will the Minister of Defence be pleased to state the number of Commissioned Officers in the Armed Forces under suspension at present and facing court martial?

The Deputy Minister of Defence (Major-General Himatsinghji): The number is small, less than 1 per cent. (decimal 1 per cent.).

MULGAONKAR COMMITTEE

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

(a) whether the report of the Mulgaonkar Committee on the Government Housing Factory has been received;

(b) if so, its findings and recommendations;

(c) whether a copy of the report will be laid on the Table of the House; and

(d) if not, why not?

The Minister of Health (Rajkumari Amrit Kaur): (a) and (b). The report has not yet been received.

(c) and (d). This will be of course considered on receipt of the report.

TRAVANCORE-COCHIN

61. Shri Lakshmanan: Will the Minister of States be pleased to state:

(a) whether any representation has been received from the Travancore-Cochin Government regarding the exemption of that State from the provisions of Article 371 of the Constitution; and

(b) if so, what action has been taken in the matter?

The Minister of Transport and Railways (Shri Gopalaswami): (a) Yes.

(b) We have informed the Travancore-Cochin Government that having regard to the shortness of the period during which the Constitution has been in operation, the time has not yet come for considering the question of exempting any State from the operation of Article 371.

RESERVE BANK OF INDIA

61-A. Shri Kishorimohan Tripathi: Will the Minister of Finance be pleased to state the net income so far earned by the Reserve Bank of India after its nationalisation?

The Minister of Finance (Shri C. D. Deshmukh): The net income earned by the Reserve Bank of India from the 1st January 1949, the date on which it was transferred to public ownership, up to the 30th June, 1950 is approximately Rs. 14.39 crores.

DETENTION OF INDIANS BY CUSTOMS AUTHORITIES AT MADRAS

61-B. Shri Kamath: Will the Minister of Finance be pleased to state:

(a) whether it is a fact that on the 28th July 1950, some Indians, returning from Malaya, disembarked at Madras; and

(b) how long they were detained by the Customs authorities at Madras?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes.

(b) The passengers' baggage was attended to as expeditiously as possi-

ble, but some of the passengers had to wait for considerable time before their baggage could be passed through the Customs owing to inadequacy of examination space in the port area. The baggage examination of 949 passengers who disembarked on that day commenced at 8 a.m. and concluded at 9 p.m. The question of extending passenger shed accommodation is already engaging the attention of the Port Trust authorities.

ADVISER TO DIRECTOR OF TECHNICAL DEVELOPMENT

61-C. Shri Kamath: Will the Minister of Defence be pleased to state:

(a) whether it is a fact that an Adviser is being imported from the U.K. to assist the Director of Technical Development; and

(b) if so, the reasons for creating this new post?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) and (b). The services of an officer with high technical qualifications and wide experience are being obtained from the United Kingdom as adviser on matters relating to Technical Development. Variety of experience and up-to-date knowledge are essential in this work, and until our officers acquire it, assistance of foreign technical service officers is indispensable if efficiency is not to suffer.

PRIVY PURSE OF NIZAM

61-D. Shri Subbiah: (a) Will the Minister of States be pleased to state whether it is a fact that the Nizam of Hyderabad is being paid 50 lakhs for the taking over of the Sarf-i-Khas lands by Government in addition to 50 lakhs as Privy Purse?

(b) If the answer to part (a) above be in the affirmative, for how many years will this 50 lakhs be paid?

The Minister of Transport and Railways (Shri Gopalaswami): (a) and (b). As part of an overall settlement the Nizam is paid a sum of Rs. one crore (Osmania Sikka) including Rs. 50 lakhs (O. S.) on account of his Privy Purse. After the federal financial integration and in view of the provisions of Article 291 of the Constitution, the Privy Purse of Rs. 50 lakhs (O.S.) is a charge on and payable out of the Consolidated Fund of India, and the balance of Rs. 50 lakhs (O.S.) is payable out of the Hyderabad State revenues.

Simultaneously with this settlement, the Nizam agreed to hand over the Sarf-i-Khas completely to the Diwani, its revenues and expenditure being merged with the revenues and expenditure of the State. The whole of the amount of Rs. 50 lakhs (O.S.) payable by the Hyderabad State cannot be taken as a consideration for the State

taking over the Sarf-i-Khas, as the payment made to the Nizam is part of an overall settlement with him.

The above payment is to be made for the life-time of the present Nizam. A fresh agreement would be entered into with his successor.

Monday, 18th December, 1950

Volume VI

No. 1 — 19



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

PARLIAMENTARY DEBATES

PARLIAMENT OF INDIA

OFFICIAL REPORT

Part II—Proceedings other than Questions and Answers.

CONTENTS

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

Price Five Annas

THE
PARLIAMENTARY DEBATES

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

1833

1834

PARLIAMENT OF INDIA
Monday, 18th December, 1950

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

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS
(See Part I)

ELECTION TO COMMITTEES

I. CENTRAL ADVISORY COUNCIL FOR
RAILWAYS

II. STANDING COMMITTEE FOR THE
MINISTRY OF DEFENCE

III. STANDING COMMITTEE FOR THE
MINISTRY OF HEALTH

Mr. Speaker: I have to inform the House that upto 12 Noon on Friday, the 15th December, which was the time fixed for receiving nominations for the Central Advisory Council for Railways, the Standing Committee for the Ministry of Defence and the Standing Committee for the Ministry of Health, no nominations were received. I, therefore, appoint a further period upto 12 noon on Tuesday, the 19th December, within which nominations for one vacancy in each of these Committees will be received. The election, if necessary, will be held in the Assistant Secretary's room (No. 21) in the Parliament House on Wednesday, the 20th December between the hours of 10-30 A.M. and 1 P.M.

Dr. K. V. Thakkar (Saurashtra): I had put in my nomination for the Ministry of Health.

Mr. Speaker: But did he put in within time?

Dr. K. V. Thakkar: Yes, Sir, on the 15th, before 12 o'clock.

Mr. Speaker: If that is so, I will see.

PAPER LAID ON THE TABLE

SUPPLEMENTARY STATEMENT SHOWING
ACTION TAKEN BY GOVERNMENT ON
ASSURANCES ETC. GIVEN DURING FIRST

SESSION OF PARLIAMENT, 1950

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the table a supplementary statement showing the action taken by the Government on various assurances, promises and undertakings given during the First Session of Parliament, 1950. [See Appendix VIII]

REPRESENTATION OF THE PEOPLE
(NO. 2) BILL

The Minister of Law (Dr. Ambedkar): I beg to move for leave to introduce a Bill to provide for the conduct of elections to the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt and illegal practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections.

Mr. Speaker: The question is:

“That leave be granted to introduce a Bill to provide for the conduct of elections to the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the correct and illegal practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections.”

The motion was adopted.

Dr. Ambedkar: I introduce the Bill.

1835 *Delhi Premises* 18 DECEMBER 1950 *Indian Income-tax* 1836
(*Requisition and Eviction*) (*Amendment*) *Bill*

CODE OF CIVIL PROCEDURE
(AMENDMENT) BILL

The Minister of Law (Dr. Ambedkar): I beg to move for leave to introduce a Bill further to amend the Code of Civil Procedure, 1908.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Code of Civil Procedure, 1908."

The motion was adopted.

Dr. Ambedkar: I introduce the Bill.

AIR DEFENCE RESERVE BILL

The Minister of Defence (Sardar Baldev Singh): I beg to move for leave to introduce a Bill to provide for the constitution and regulation of the Air Defence Reserve.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the constitution and regulation of the Air Defence Reserve."

The motion was adopted.

Sardar Baldev Singh: I introduce the Bill.

COAL MINES SAFETY (STOWING)
AMENDMENT BILL

The Minister of Works, Mines and Power (Shri Gadgil): I beg to move for leave to introduce a Bill further to amend the Coal Mines Safety (Stowing) Act, 1939.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Coal Mines Safety (Stowing) Act, 1939."

The motion was adopted.

Shri Gadgil: I introduce the Bill.

DELHI PREMISES (REQUISITION
AND EVICTION) AMENDMENT BILL

EXTENSION OF TIME FOR PRESENTATION
OF REPORT OF SELECT COMMITTEE

The Minister of Works Mines and Power (Shri Gadgil): I beg to move that the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Delhi Premises (Requisition and Eviction) Act, 1947, be extended upto the last day of the opening week of the next session.

Mr. Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Delhi Premises (Requisition and Eviction) Act, 1947, be extended up to the last day of the opening week of the next session."

The motion was adopted.

Shri Goenka (Madras): Sir, with your permission I would like to unburden myself of a load that has been heavily weighing upon my mind since Monday last. During the course of the discussion of the Tariff Bill a certain incident took place in this House at the time when the hon. the Commerce Minister was replying to the debate. So far as the hon. the Commerce Minister is concerned we have exchanged notes between ourselves and now we understand each other much better than we ever did before. The hon. the Commerce Minister in his usual generous manner made a reference in this House to the unfortunate incident and expressed his regret. By his expression of regret in this House he has given further proof, if any proof was necessary, that he is one of the finest gentlemen in the real sense of the term. Now, Sir, it is for me to do so and I owe an apology to this House. I admit I was carried away by emotion whereby a few words escaped from my lips for which I sincerely express my regret. I hope the House will accept my apology.

BUSINESS OF THE HOUSE

Shri Kamath (Madhya Pradesh): Sir, before we proceed further, may I request you to be so good as to tell the House what exactly will be the duration of the session so as to enable us to make arrangements accordingly? If Government will indicate the priority for the Bills, and which Bills they want to see through in this session, it will enable you to fix the duration of the session and also enable us to make our future arrangements.

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I think Government will be in a position to make a statement tomorrow morning.

INDIAN INCOME-TAX (AMENDMENT) BILL—*Concl'd.*

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

hon. Shri C. D. Deshmukh on the 14th December, 1950, namely:

“That the Bill further to amend the Indian Income-tax Act, 1922, be taken into consideration”.

Shri Jajoo (Madhya Bharat): It is with some concern that I rise to speak on this Bill. As a matter of fact I have not much to say on the merits and demerits of this particular measure, but I want to say something regarding the growing tendency on the part of Government of the lack of appreciation on the judicial pronouncements as well as certain legal and constitutional issues arising out of them. There are two ways of dealing with an issue when it arises out of a judicial proceeding or a pronouncement of the highest tribunal in the country. We are proud of our Constitution which has given us Fundamental Rights and which, at the same time, has assured the rule of law in this country. We are grateful to Government that they have been regarding and respecting whatever pronouncements have been made by the judiciary. But at the same time they have been adopting certain other courses by which they want to evade and defeat their consequences, and that is by executive orders. So far as the remedial or curative measure is concerned we welcome it because the House is provided with an opportunity. But there is a tendency in Government to avoid certain responsibilities by shifting them either to the State Governments or by having resort to executive orders. I would like to give certain examples here, and they concern the Finance Ministry of the Government of India directly.

12 NOON

It was before the independence of this country that the Crown Representative in the exercise of his powers under the Foreign Jurisdiction Act levied Income-tax in the centrally administered areas of Central India Agency, Neemuch Cantonment and Mhow. When later on it was brought to the notice of the Government of India that they had no jurisdiction and no constitutional right to levy the tax, instead of taking the remedial course, that is of refunding the money that they had recovered illegally and unconstitutionally to the assessee directly, they made the plea that they would return it to the Rulers of the States. When I came to know of this I referred this matter to the then Finance Minister Dr. John Matthai and he said that they had done it. But during the course of my talks and correspondence with the present

Finance Minister, the hon. Shri C. D. Deshmukh, I came to know that their plea is that the Income-tax that was levied was levied for the benefit of the Rulers. I was shocked, if not surprised, to find that the Crown Representative at that time had levied the tax for the benefit of the Rulers. I would like to know whether they received any application or whether a suggestion was mooted out by the Rulers that this tax ought to be levied. I cannot understand, when a similar tax was not levied in the States, how it could be applied only to the very limited and small area of those small Cantonments. I find that the notification for levying this tax was published in the Government of India Gazette, but at the same time there was no other notification in any other Government of India Gazette and it was stated that we should refer this matter to the Indian State concerned. Later on.....

Mr. Speaker: Order, order. The hon. Member is going beyond the scope of the Bill. How is the point that he is making relevant? The scope of the present Bill is a very limited one, namely, to deal with the situation which has arisen on account of the judgment of the Supreme Court, and the only amendment sought, I believe, is of section 2 or section 9. If I am committing a mistake in that, he may invite my attention to the provision under which the discussion of the point raised by him would be relevant.

Shri Jajoo: I wanted to drive at the point that there is a growing tendency on the part of Government to defeat the purposes of legal pronouncements and to evade certain other legal and constitutional consequences arising out of their actions by resorting to certain dubious ways. That way I wanted to draw the attention of the Finance Minister and the House that this practice should not be resorted to.

Mr. Speaker: I am afraid that is too wide a question to be taken on a discussion of this Bill.

Prof. K. K. Bhattacharya (Uttar Pradesh): May I bring to the notice of the House certain features of this Bill? While I quite understand that Government should tax all possible resources in order to bring revenue for the State I want to draw specific attention to clause 3 of the Bill. The judgment of the Supreme Court was given on the 26th May, 1950, in a case, the Commissioner of Income-tax, U.P. versus Messrs. Kappumal Kanhaiya Lal. In view of that judgment, the question is whether it should have retrospective operation. As a result of this case, the assessee in the present

[Prof. K. K. Bhattacharya]

case shall be burdened with payment of income-tax for the last ten years and therefore, it would be a very hard case for the assesseees in question. It seems to be related to one firm at Allahabad and, as a result of this judgment, it was definitely decided that water tax and house tax cannot be deemed to be appropriate under Income-tax Act and since 1939 onwards till 1949, I think, the assesseees were getting the exemption from income-tax and the Income-tax Department were always saying "defer, defer and defer". I can read out to you certain extracts from the appeal presented by Kappumal Kanhaiya Lal to the Secretary, Central Board of Revenue in which attention has been drawn to the fact that since 1940-41 the Income-tax Appellate Tribunal Allahabad conceded the claim of the petitioner with respect to house and water tax on 8-11-1944. In 1941-42 the matter went up to the A.A.C. who on 29-10-1947 disposed of it in the following manner. "Till the appeal (before the Supreme Court) is decided the collection of tax is deferred. If the department succeeds the tax shall be collected; otherwise it shall be remitted." In 1942-43 the Income-tax Officer gave the following finding: "The assessee is also entitled to a deduction of Rs. 13,385 on account of the house and water tax. It will be allowed later on when the judgment is affirmed by the Privy Council and meanwhile collection of tax on this amount has been deferred." Here Privy Council means, the Supreme Court. In 1943-44 the I.T.O. made the same observation as in 1942-43.

Now, this is the detailed information which I am placing before the hon. the Finance Minister. I submit that the order has been given in clear terms and great hardship will be caused to the assesseees if the order is to be given retrospective effect. It should have operation from the date of the Supreme Court's judgment. In fact, I am reminded of a particular judgment in a case known as the Ship money case. The judgment of the Supreme Court is entitled to great consideration and the Supreme Court has come definitely to the conclusion on an appeal made by the Allahabad High Court that the judgment of the Allahabad High Court should be confirmed and the Income-tax Tribunal's contention turned down. Under these circumstances, the assesseees would be put to great hardship if retrospective operation is given to clauses 3 and 4. I therefore, submit in all humility and in all seriousness that retrospective

operation should not be given but the operation should take place from the date on which the judgment was delivered by the Supreme Court. I have no doubt that the Legislature can give retrospective operation but it would be very hard in this particular case. It is not a case of Rs. 1,000 or Rs. 2,000 but Rs. 60,000 which would be assessed by the Income-tax Department for no fault of the assesseees. They will have to pay at once a sum of Rs. 60,000 from the year 1939 till 1949 or 1950.

Shri Sarwate (Madhya Bharat): On a point of information, Sir. The hon. Minister has stated in the Objects and Reasons: "It would be anomalous to give the benefit of this interpretation in the open cases....." May I know what he means by 'open cases'.

The Minister of Finance (Shri C. D. Deshmukh): That means the cases that are not decided.

Shri Sarwate: That is pending before the Court?

Mr. Speaker: Which are not decided yet.

Shri Sarwate: Pending before the Court?

Mr. Speaker: It means that. That is what it will mean.

Shri Sarwate: A point could arise if it means pending before the Court.

Shri C. D. Deshmukh: I think, cases for assessment.

Mr. Speaker: It is therefore that I did not say "before the Court", but it will mean the cases in which the assessments have not been finalized.

Shri Syammandan Sahaya (Bihar): This Bill raises two very vital issues and I therefore submit that it deserves the careful consideration not only of this House, but if I may submit, a re-consideration at the hands of Government itself. In the first place this Bill is really aimed to undo what Income-tax assesseees have secured by a judicial pronouncement of the highest order. Whether Government should do so, particularly where there is no question of principle involved, but only a question of the interpretation of an existing law, is I contend a matter which deserves very careful consideration at the hands of this House.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

The second thing which I believe to be even more important is that the

advantages or benefits secured by the assessee as a result of the decision of the Supreme Court is being undone by this Bill and the right accord is being denied to the assessee as the proposed legislation is to come into operation with retrospective effect. I contend that this is a dangerous voyage on which Government have embarked and I feel, that if this House gives this matter the very serious consideration that it deserves, it will find itself in great difficulty in according support to the legislation before this House.

Coming to the clauses of the Bill, it will be found that an explanation is proposed to be added to sub-section (1) of section 9. If we refer to section 9, we find that it has been clearly laid down that the annual charges will be deducted from the amount which is fixed as the annual letting value of a property. The wording in the existing law, as it is, gives the assessee the benefit of even the deduction of interest if the property is mortgaged. Then, it proceeds to give another relief by way of annual charges. I think it should not require any great deal of argument to convince the House that where interest charges on a property are allowed as a deduction and where the law clearly lays down that annual charges will be deducted it would be unfair to circumvent it. To proceed further and ask the House not to allow the municipal taxes to be deducted for assessment of Income-tax is to ask the House, in my opinion, to extend an unreasonable assistance to Government which has brought this measure. There are some taxes levied by local bodies which are known as service taxes, but perhaps, the municipal tax as such is not termed as service tax. Although in most cases the municipal tax also is levied on the value of a holding, it is not actually classified under the category of service tax, as for example water tax, or latrine rate, etc. The fact of the matter however is that even municipal tax is a service tax for giving to the rate payer the amenities of town life and unless some provision for taxation is made, the municipalities will not be able to render assistance in other ways and to provide other amenities which they are now able to provide. The proposal of Government, therefore, not to allow deduction for these taxes really amounts to this that they desire to tax the assessee even for such service taxes that the landlord realises from his tenant and pays to the local bodies. Now, in the annual letting value of a holding naturally is included charges

that the landlord has to pay in order to provide the tenant of the holding with the amenities which the municipalities provide. If Government, by this legislation, lays down that no deduction for these taxes will be made in calculating income for taxation, it can only mean this that Government wants to tax the landlord even for such portion of his rent which is really meant to cover taxes which provide amenities to the tenant as much as to any one else. I submit that this aspect of the matter is a grave one and knowing as we do the hon. Finance Minister's consideration for everything reasonable, I know I am not asking too much when I request that he will give this matter a re-consideration.

In this connection, Sir, it will be useful to bring to the notice of this House the fact that this point was conceded on a previous occasion by the then Finance Minister. The matter was debated at great length in what was known at that time as the Constituent Assembly (Legislative). In fact, an amendment to the effect that taxes should be allowed as deductions was introduced in the then House. In the absence of the permanent Finance Minister, Mr. Neogy, who was officiating, withdrew the Bill because the matter, at that time, was pending before the Privy Council. Of course, the case was later on transferred to the Supreme Court. It will therefore be seen that not only has this principle been accepted by the highest judicial tribunal in this land, but its reasonableness was accepted by Government itself at one time, and an amendment had been placed before the House for giving this relief in taxation. I feel therefore not only surprised, but shocked that after all these stages had been gone through, Government should now come before this House and ask us to undo what is, in my opinion, a very just claim secured by those who own property and who have to pay Income-tax.

Proceeding further with the Bill, you will find that section 4 lays down, in my opinion, an even more serious thing. It lays down that where an Income-tax officer has already passed orders and made assessment on the basis of the judgment, and allowed deduction on the basis of annual charge of municipal taxes, he should reconsider his judgment, annual his judgment, re-assess the party and ask the party to pay more, if necessary, in terms of the Bill which we are considering today. It is a very old established principle that if an advantage has accrued, by the law then obtain-

[Shri Syamnandan Sahaya]

ing, to a party, he should not be deprived of it. The hon. Finance Minister, therefore, has, in proposing this clause, traversed a ground which, to put it moderately and modestly, is exceedingly dangerous. I doubt very much whether the House in these circumstances will be prepared to accord to this clause its approval.

As to clause 5, I have tried to study this amending clause with the existing clause and I do not find, except for the change of a word here or there, that there is any change in the spirit in sub-clause (2) of section 9 that is proposed as also in the first proviso. I have therefore not been able to appreciate why Government desires to amend these two sub-sections of the Act. Of course, one can follow so far as the second proviso is concerned because it lays down the basic thing which this Bill proposes to enact, namely that only one half of the total amount of such taxes or one-eighth of the annual value of the property whichever is less shall, notwithstanding anything contained in such law, be deemed to be the tenant's liability for such taxes, and therefore it will be deducted. I can understand the second proviso; but I do not know why it has been found necessary to amend or drop a few words or alter a few words in sub-section (2) of section 9 and in its first proviso.

I do not know what actual difference this Bill will make to the total revenues from Income-tax in this country. But, I do submit that it might not be very much. If my contention is correct, I would appeal before I resume my seat to Government and the hon. Finance Minister, not to undo what the highest judicial tribunal has done in this land and in any case, not to give this Bill retrospective effect that it proposes to do in clause 4. In fact, the proposal to give retrospective effect in my opinion lacks even the grace and courtesy that is due to a high judicial pronouncement that we are considering in relation to this Bill. In the first place, we have made an exemption for one year in the case of the two assesseees whose case was decided by the Supreme Court. In the following clause we say that if anybody has received any benefit as a result of the judgment, the assessment so made will be reversed, and a new assessment made on the basis of the present law. This, I submit, ought not to be done and I shall plead once again with the hon. Finance Minister and Government to give this matter their serious consideration and that the matter should

not be decided in a light-hearted manner because this is a small Bill. It involves and lays down a great principle and as such merits very serious consideration at the hands of this House and also of Government.

Shri Kazmi (Uttar Pradesh): As has been said by previous speakers, the point involved in this short Bill is a very important one. The two machineries by which every country is governed are the executive and the judiciary which subjects to its control all the acts of the executive. Every legislation that is passed, and whatever is done thereunder, are to be interpreted by the judiciary. If the legislature has made some mistakes, it is open to the judiciary to point them out, and the executive or the legislature may subsequently amend the Acts. The question, so far as the laws are concerned, is to be looked at from the point of view that it is not for the legislature to say what would be meant by a particular Act. It is the function of the judiciary to find out what was the intention of the legislature at that time. And once that intention has been finally decided by the highest tribunal of the country, it is not open to the legislature to say that we meant such and such a thing. I would submit that it is not open for us today to say that by section 9 or by the words "annual charges", it was not the intention of the legislature to include the items which are intended to be excluded today. We can very well say that in future, we will add this explanation, because we want that it must be included, but we cannot say that we intended to include it and that it will have retrospective effect.

There is already over-legislation in the country, and the best way to have respect for law is to have as few laws, as permanent laws and as definite laws as we can possibly have. Whatever law or machinery that this Legislature is forging day after day and which are thought to be expedient from the smaller point of view, to give immediate relief, that is not the real legislation of the country which can evoke general respect and a general following throughout the country. So I personally am always against this over legislation. This legislation following the judicial pronouncement is a unique thing in itself. Hon. Members have been in this House for a sufficiently long time, and probably some have also seen and studied the legislation of other countries. But this legislation, I can say, is not a

general legislation. It is an individual legislation, a legislation following an individual pronouncement of the highest tribunal of the country, and it is unique in itself. I therefore, submit that before we lend our support to the passing of this Bill we must consider the situation very seriously, more seriously than we have been doing up till now. We know full well that so far as penal or criminal laws are concerned, it is never in the nature of things to make them have retrospective effect; that is against natural justice. People who have acquired certain rights and who have done certain acts under a particular idea, they are not to be penalised later on for what they have done, by making the Act have retrospective effect. Indeed, the point is so clear that it does not require much explanation. As I said, it is not open to us, it is neither judicial nor the proper thing to do, to introduce a law to say that a judicial pronouncement in respect of the interpretation of law shall be held to be valid and good, because we cannot over-rule it in the cases in which it has already been pronounced, but the interpretation that has been given to the law shall be subject to a further law which shall be deemed to have existed at the time when the interpretation was given. This in itself amounts to an attempt in a circuitous way, to overcome the difficulty of the pronouncement of the Supreme Court. There seems to be no justification whatsoever, to give retrospective effect to this section. If we think that that has really got to be done, then let it be done today. But we cannot say that it had been done before.

Even the question as to whether this should be done today or not is a matter not free from difficulty, because there seems to be no justification for it. When we say "annual charge" the words have got some clear meaning. But now, if we say that "annual charge" does not include such and such a thing, that means that we are making an exception. We admit that it is an annual charge. We cannot say that it is not an annual charge. We want to make an exception, and I have not been able to understand the justification for this exemption. Why should these be exempted? What is the justification for exempting this particular annual charge? When it goes out of the pockets of the house-owner, it has got to be paid to the authorities, the real authorities to which it is really paid. I see no reason why this should be taken away. But this, as I said, is a matter of minor importance. But so far as the other

point is concerned, that of giving retrospective effect, it is of fundamental importance and I would submit that Government, before proceeding further, will reconsider the situation, and even if they think that annual charge should not include this thing, they should not be prepared to give retrospective effect to this Act.

Shri Jhunjhunwala (Bihar): I do not want to traverse the ground that has been already covered so very well by previous speakers. I only want to submit that there has been a pronouncement of the highest judiciary, and Government waited for that decision, and did not think it proper to bring forward this amending Bill earlier wherein the principle of deduction as was being contended by the assessee was conceded, but postponed it twice during the time of the previous Finance Minister. They were waiting for this judicial pronouncement and now that pronouncement is there, it does not lie in the mouth of Government to come forward and say, "Well, the pronouncement is there, but here is an amending Bill just to the contrary to what was contemplated before". If they wanted this tax, then they should not have waited for this judicial pronouncement. It is still more worse because of its retrospective effect. One thing that I have not been able to follow is, how the hon. Finance Minister has arrived at the figure of 12½ per cent. He says that the deduction will be allowed to the extent of 12½ per cent as this is considered to be the service charges. If this is considered to be the service charges to the landlord or to the tenant, the whole of the municipal taxes are given for the amenities and benefit not only of the landlord but of the whole of the urban population. All the urban population are not in a position to pay for the amenities which they are provided with. So the bigger people, the landlords, are charged. These days the municipal charges are going high and high. At some places 25 per cent. is being charged and at others 30 per cent. If you are allowing deduction for the service charges to the landlord or tenants, it is still more necessary that you should allow deduction for the amenities which are being given not to the landlord but to the public at large. Otherwise it will be very hard on the landlord and the people who pay taxes. When they are paying for the amenities and services rendered to people by means of education, medical help and other things, the taxes paid for those services should, in my humble opinion, be allowed to

[Shri Jhunjunwala]

come within the purview of this deduction.

Shri K. Vaidya (Hyderabad): I partly support this Bill and partly object to some provisions of the Bill. The reason that led to the introduction of this Bill is the judgment of the Supreme Court. Government were all along under the impression that the annual charges did not include the municipal charges or the charges of the local authorities. Now Government want to take that provision and make the point clear. It is said that Government were all along under the impression for the last 50 or 60 years that they were correct and the matter was not taken to court but about ten years ago, the matter was taken to court and the Allahabad Judgment has given a ruling against Government. Therefore the proper time to bring this Bill was that time but Government did not care to do so then. Now the judgment of the Supreme Court has been given which goes against Government. It means that the revenue from the income-tax which Government have contemplated would go much less. It is said that that would go perhaps to several millions or crores. This is the point which Government should have considered before. Now there is a judgment of the Supreme Court. Of course, some friends suggested that you cannot have such a sort of Bill. I don't agree with that. We have cases in which a long series of judgments and particular provisions laid down by High Courts and Privy Council did not agree with each other. In such cases these matters were brought before a Legislature and amendments have been made but the amendment that was made was to clear the point and the second point was that it was in the interest of the people. People, relying upon the judgments of the High Court did certain things and the judgment of the Privy Council upset those things. Therefore Government came forward, the Legislature came forward and gave remedy to the people. But in this case the remedy is not for the people but Government is practically using this remedy and therefore this is objectionable to a certain extent but I say that so far as the question of income-tax is concerned, money is required for several purposes and therefore if Government all along supposed that this was the position, Government can put forward this Bill and therefore I don't object to this Bill and to the definition given there. But my objection is, as my friends said, about giving retrospective effect to it. Clause 2 says: "It shall

be deemed always to have been added etc." It means even before the judgment of the Supreme Court. I think the policy of Government should not be this. Retrospective effect is given in certain cases no doubt but this is not the case in which it should be given. It is given where the remedy is to the subjects. Here and especially in such fiscal matters, especially in the case of income-tax, the same relief should be given to the people and not any taxation upon the people. That is an important thing to which I object to viz., the retrospective effect given to this Bill. The other point in this connection is that Government do not stop there. This will apply even in cases on which orders have been finally passed. Clause 4 of this Bill provides that the Income-tax Officers should study these cases and issue notices and assess the tax further in view of the present amendment. I think this is highly against the principles of justice. In fact the sense of justice revolts against such a thing. Matters have been finalized and have become *res judicata* and Government wants to reopen those cases. This is not a thing which Government should do. There was enough time for Government to do these between the date of 26th January and the 7th October, 1950 when the Ordinance was issued. The judgment of the Supreme Court or Privy Council was given on 26th May. I don't know what Government was doing all this time. The Ordinance was issued on 7th October, i.e., five months later. If Government thought that there was a great loss to Government on this account, Government should have come forward and issued an Ordinance immediately but Government did not care to do it. Government could have issued orders to the Income-tax Officers saying that no cases should be disposed of in the meantime and in a week's time such an Ordinance could have been issued. That was issued on 7th October 1950. In the meanwhile during this interval we had a session here in August 1950. This Bill could have been brought then. Why should we give retrospective effect to this Bill. That is a very objectionable thing and therefore this clause 4 should be deleted and this method should not be allowed.

Through clause 5 Government want to give certain deductions but that too is quite insufficient. The Government should reduce 30 per cent. or at least the actual tax that has been paid to the Municipality but the hon. Minister says that Government will give 12½ per cent. or one-eighth. If real relief is to be given, it should be more. Because the position of people who

derive income from houses is this that the income in some cases is not sufficient to do repairs etc. in places like Bombay. Therefore if Government really wants to give some relief, that relief should be substantial and not in this manner.

I do agree that such legislation is necessary, because there are so many important schemes of Government for which money is required. And therefore, I do agree to the explanation that has been added. To that extent I support the Bill. But I don't agree to, and I strongly object to, the provisions giving retrospective effect to this measure. I also strongly object to clause 4 which wants that the old cases which have been decided should be reopened and the concerned people asked to pay what they had thought was their rightful money. When the judgment was given people thought that it would not be necessary to pay these taxes and as such they must have disposed of those accounts. To come up now, after about six months, and say that they should pay the amounts would not be fair.

That is all I have to say. In brief, I support the explanation that has been added to the Bill, but I object to clause 4 of the Bill and would ask also that you should give some substantial relief under clause 5.

Shri Shiv Charan Lal (Uttar Pradesh): My submission about this Bill is that it is not only improper but is also a bad law. If the Supreme Court has arrived at a certain decision, has given a certain interpretation, then persons acting according to that interpretation are justified in doing so till a new law is passed. If we now say that with the exception of those persons in whose case the Supreme Court had given a decision, all the others will be guided by the interpretation which you are now putting through this Bill, I don't think that that position will be quite legal. It is just like this. Suppose a man is convicted for an offence and the case goes before the Supreme Court, the Supreme Court finds that such-and-such an act is not an offence under the laws and therefore gives him an acquittal. Now, till you make another law laying down such an act as an offence, any other person committing that act will not be considered to have committed an offence. But you cannot pass a law saying that all those persons who committed such an act three months back will be considered to have committed an offence. The

same analogy will apply in the case of the interpretation given by the Supreme Court in the case of the present law. You can by legislation now say, "We put such-and-such an interpretation on it." That will be all right. But to put an interpretation contrary to that put by the Supreme Court, and for that very period, would not, I submit, be either proper or judicial.

I would therefore request the hon. Finance Minister kindly to delete the clause which makes the Bill retrospective, and also delete clause 4. I am not entering into the merits of the case because other friends have already done that. Also, I have no objection on merits. My objection is only from this point of view: Please don't do anything which may show disrespect in any way to the highest judicature of the country. Please do show full respect, the highest respect, to the judiciary. If Government itself does not do it, how can Government expect the public to do that? Therefore, my submission is that you should delete this provision giving retrospective effect and also clause 4.

Shri C. D. Deshmukh: In the Course of the speeches much has been made of the question of paying respect to the judgment of the Supreme Court and avoiding disrespect to any judgments given by courts, and so on. I don't really see the point of these criticisms. The House is the law-making body and it is for the courts to interpret the law. If the courts' interpretation does not agree, in the opinion of the House, with the intention of the House then it is open to the House to make a further attempt to clarify their intention, and indeed any such attempt betokens respect to the court and not disrespect because we recognise that they are the interpreters of the language that we have put in the statutes. Well, we admit that perhaps we have failed to make our intention clear, and we bow to the ruling of the courts. At the same time, if public policy requires that a certain state of affairs shall be ensured, then it is the business of the House to go into the matter again and evolve a proper form of drafting. Therefore, I think it is quite unnecessary to say that the courts would feel hurt by what this House is doing, because to say so, is to admit that the court is a law-making body and not this House.

Now, let us see what the real point is that the Supreme Court decided. It held as a matter of interpretation that the words "charged on property other than a capital charge" are wide enough to include a municipal tax or an

[Shri C. D. Deshmukh]

urban tax like the Bombay urban immovable property tax. These very words were interpreted by the Bombay and Madras High Courts, on more than one occasion, as not being wide enough to include such taxes. Therefore, it is quite obvious that there was scope for difference of opinion as to the ambit of the particular words that we used. The Supreme Court did not consider, and indeed it was not within their province to consider, whether any interpretation that they were favouring was the one actually intended by the Legislature as evidenced by the Assembly Debates of 1939, or whether as a matter of taxation policy that was the proper interpretation to give. These are matters which it is for us to decide. We know our intention much better than any court can, and therefore, I think we are perfectly within our rights, both the Government and the House, in trying to correct the situation and setting it right.

The next issue is that of giving retrospective effect to this legislation. Well, generally speaking, it is considered that retrospective legislation ought not to be undertaken except, as one of the speakers said, for the purpose of granting relief, or where a particular ugly situation needs it. Well, we hold that this is a situation which needs retrospective legislation. The present case is one where it can be definitely stated that an undesirable situation has arisen by virtue of the interpretation given by the Supreme Court. The Court gave an interpretation of words which had been interpreted differently by the lower courts. It was also clearly not the intention, as we know from our records, that those words should bear the interpretation put on them by the Supreme Court. Therefore, clarification has become necessary, and clarificatory legislation is generally retrospective because it does nothing more than set out what it had all along held as its intention. There are precedents for such clarificatory legislation of a retrospective character not only in this country but also in other countries. There was a case in U.K. where the House of Lords decided in January, 1926,—I shall not give the name of the case—that even where liability to tax is determined with reference to the income of the previous year, the source of income must continue to exist during the assessment year before there can be any liability to tax in respect of income received in the previous year. Now, this decision of the House of Lords was not in accordance with

the intention of the legislature. Therefore, within a few months of the decision, retrospective legislation to overrule it was passed by Parliament, reference being to Section 22(2) of the U.K. Finance Act of 1926. It is interesting to note that when the U.K. Act was amended with a view to neutralising the House of Lords decision, they did not exempt from the purview of the amendment the particular assessee who took his case to the House of Lords.

I think there is an Indian case also in connection with the Professions Tax (Limitation, Amendment and Validation) Act, 1949. The Preamble to that Act runs as follows:

“Whereas it has been judicially held that the tax on circumstances and property imposed under clause (b) of Section 108 of the U.P. District Boards Act, 1922 (Act X of 1922) is subject to the limitation of Rs. 50 per annum prescribed in respect of tax on professions, trades, callings or employments by Section 2 of the Professions Tax (Limitation) Act, 1941, (Act XX of 1941) and whereas it is expedient further to amend the Professions Tax (Limitation) Act, 1941, for the purpose of excluding the taxes on circumstances and property imposed in the U. P. by Municipal or District Boards from the operation of Section 2 of that Act and validating the imposition thereof before the commencement of this Act . . .”

So, the House will remember that where a certain tax has been found to be falling within or outside the mischief of the law contrary to what the legislature intended, it does become necessary to amend the law with retrospective effect to neutralise the effect of the court's construction of the law. If this were not done, the benefit would go to the litigious man and the person who acquiesces in the law as intended by the legislature suffers and therefore the fundamental principle of equity will be violated.

Now, reference was made during the course of the debate to the previous discussions in the Assembly. Well, it is true that there were previous attempts to amend the law so as to allow deduction for municipal tax. The proposal was included in the Finance Bill of 1948. The Select Committee deleted the proposal with the remark,—

“The equities of making any such deductions for the purpose of

income-tax are by no means clear, and we have thought that it would be more appropriate to go into this question in a regular Income-tax Amendment Act than in an annual Finance Bill."

Thereupon, an amendment to this effect was proposed in the Income-tax and Business Profits-tax Bill 1948. There again, the Select Committee made some kind of compromise suggestion but finally it was decided to drop it and no such provision was included.

One or two speakers have referred to the equity of such a tax. In computing income, deduction for municipal tax was not specifically provided for before 1939 and was not allowed ever since income-tax was introduced in India. There are two reasons why that was not done. The first is that the general principle of taxation is that no liability or charge should be allowed if it is not an amount spent in earning an income, but it is rather an appropriation of income and this principle is analogous to section 10(4) of the Income-tax Act. The municipal taxes and urban immovable property tax levied by the Bombay Government also fall in this category, because they are levied on the owner on account of the ownership. These liabilities attach to the owner in his capacity of being an owner of property in a particular area and not as the owner of an income. The second reason why municipal tax is not and ought not to be allowed as a deduction is that it is really a rate for specific services and amenities for which the owner has to spend out of his income just as he has to spend for his other personal needs and comforts. The municipal taxes are levied at rates which are generally between 15 and 25 per cent. of the annual value and more often nearer to the 25 per cent. level. There is also the Bombay urban immovable property tax which is levied by that Government and collected on its behalf by the Bombay Municipality at ten per cent. of the annual value. To allow this tax as deduction from income-tax would be to acknowledge the right of State Governments and local authorities to encroach upon the Central sources of revenue and therefore the encroachments may well be to the extent of leaving nothing for the Central Exchequer. Now, that is an aspect which the House ought to take very carefully into consideration.

I shall continue after Lunch.

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

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

[MR. SPEAKER in the Chair]

Shri C. D. Deshmukh: I was pointing out in connection with the equity of the tax, that it could not be permissible to allow for a deduction in respect of municipal taxes, because it might involve a conflict of interests as between the Central Exchequer and the local authorities. The principle underlying our decision is this: if local taxes could reduce income-tax assessment, the taxation authorities of the States and those of the Union would come into conflict and the Government of India would consider it necessary to oppose every addition to the percentage of taxation imposed by the local bodies and this would not be good for the smooth working of the Constitution. That is an additional argument in connection with the equity of the tax, a point which was raised by some of the speakers.

Then, there was some reference made to delay in the taking of measures to correct the situation. Well, the time element is like this. The Supreme Court judgment was delivered on the 26th May 1950. We could get an uncertified copy only on the 11th July 1950. Then, some time was taken in considering the matter and weighing the pros and cons and proposals for legislation in a longish summary were formulated some time on the 13th of August 1950. I took a little time to go into the matter and the matter did not come up before Government as a whole till the 26th August 1950, and a decision was obtained on the 31st August 1950. After that several drafting points had to be settled with the Ministry of Law and the Ordinance had to be printed and it was finally issued on the 7th October 1950. In the meanwhile it is not correct to assume that all cases remained open. It was only cases in U.P. affected by the Allahabad case which were held up. In the rest of the country the tax continued to be collected in accordance with the previous decisions.

The House might be interested to know the dimensions of the figures here. Two courses were open to Government to avoid any distinction between open cases and other cases. One was legislation that refund of tax be given in all cases, notwithstanding their assessments have become final and conclusive; the other was to legislate and clarify the law that the expression "annual charge not being a capital charge" never included pro-

[Shri C. D. Deshmukh]

perty taxes. The first course would have cost Government something like Rs. 25 crores. Even if refunds had been confined only to the cases where a refund was possible under the existing law, the amount of refund would have been Rs. six crores.

Shri Syamnandan Sahaya: May I interrupt the hon. Finance Minister for a while? Does he mean to convey that if remissions had been allowed according to the judgment, then the loss to Government would have been to the tune of Rs. 25 crores?

Shri C. D. Deshmukh: Yes, if it had been allowed in all cases without any limitation of period.

I was saying that even if refunds had been confined only to the cases where a refund was possible under the existing law, the amount of refund would have been Rs. six crores and a continuance of the concession would have meant a loss of about Rs. three crores a year. Those are the dimensions of the figures concerned.

I think I have covered most of the points that were made during the debate, except one or two minor ones in regard to the tenant's liability. A point was made that the allowance was not sufficient. Well, there is such a variety in municipal taxation, as I have said, that one is driven to adopt some kind of a formula and we thought that half and half was as fair as anything else. We have provided that where that half is less than 12½ per cent. of the annual letting value, then the lesser sum shall be adopted for the purpose. I now commend my motion for the acceptance of the House.

Shri Syamnandan Sahaya: Sir, on a point of information. Government, in the Ministry of Finance, had already placed before the Constituent Assembly (Legislative) a Bill to allow this concession. Later on that Bill was withdrawn by Mr. Neogy, who was officiating, for the time being, as the Minister of Finance. What has been the cause for the reversal of policy which was advocated in the previous amendment as compared to what is now advocated in the present Bill.

Shri C. D. Deshmukh: Because it was felt that the sense of the House, so far as it could be gauged from the views of the party members was against any such amendment.

Shri Shiv Charan Lal: The hon. Minister referred to U.K. legislation, wherein the assesseees are not exempted;

is he going to apply it here. Will not the assesseees, whom the Supreme Court have exempted, be exempted here?

Shri C. D. Deshmukh: Assesseees who have won in the court are being exempted in contradistinction to the course adopted in U.K. where they were not exempted.

Mr. Speaker: The question is:

"That the Bill further to amend the Indian Income-tax Act, 1922, be taken into consideration."

The motion was adopted.

Mr. Speaker: We shall now take the Bill clause by clause.

I find that there are only two amendments given notice of by the hon. Member Shri K. Vaidya. Is he moving any of them?

Shri K. Vaidya: Yes, Sir. There are two more amendments of which I have given notice.

Mr. Speaker: As regards the two amendments, I might say that I am permitting him to move the amendment to clause 2 as redrafted by him. I find that he had already tabled an amendment to clause 2, in which he now wants to make some verbal alterations. That I am permitting him to do. As regards the other amendment, to clause 5, I do not think I can permit that amendment unless it is a substantially agreed amendment.

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): No, Sir, it is not.

Mr. Speaker: So I do not propose to waive notice. That is the usual practice. Does he want to move both the amendments, to clause 2 and to clause 4?

Shri K. Vaidya: Yes, Sir.

Mr. Speaker: Then I shall put the clauses separately. (*Interruption*) I wanted to know whether I could put all the clauses together or clause by clause. So I was enquiring of the hon. Member whether he wanted to move both the amendments.

Shri Satya Narayan Sinha: I do not think.....

Shri K. Vaidya: I will withdraw those amendments.

Mr. Speaker: There is no question of withdrawal. I take it that he does not propose to move them. So the putting of the clauses is made comparatively easy.

Clauses 1 to 6.

Shri Kazmi: The hon. Minister of Finance in the course of his reply stated that the practice of having retrospective legislation in the case of Income-tax was not a new one. He cited a case of the House of Lords. Unfortunately, for reasons best known to him, he did not disclose the name and therefore it was not possible to find out the reference.

Shri C. D. Deshmukh: I thought this was not a part of law. The case is *Whelan versus Henning* (10 T.C. 263).

Shri Kazmi: That is all right for him. But unfortunately in the short interval I was not able to trace that case because the names were not there.

Even otherwise, so far as the Professions Tax Limitation Act is concerned, there are two amendments to it to which reference was made. I have succeeded in finding out the reference—I mean the amendment of 1946—and by reading that amendment you will find that it was only a question of some doubt having arisen that was cleared by that legislation. There it was not a case of a judgment of the highest tribunal in the country giving a particular interpretation. The Statement of Objects and Reasons to that amending Bill stated:

“When the Professions Tax Limitation Act (Act XX of 1941) was enacted, it was the intention of the Legislature, as evidenced by the debate, that the limitation of Rs. 50 prescribed under it should not be applicable to the tax on companies imposed by the Corporation of Madras under section 110 of the Madras City Municipal Act (Madras Act IV of 1919).”

In that particular case it was clear from the debates of the House itself that the House intended not to exempt companies from the limitation that was prescribed under that Act. So the Legislature was perfectly entitled to remove that doubt. Similar appears to be the case with the other Professional Tax. So my submission is that the present case stands on a different basis altogether. It is not a question of doubt here. It is a question of a definite pronouncement by a judicial tribunal that the meaning was

what they took it to be, and it is not now open for us to say that the meaning was a different one. As had been referred to by previous speakers, the point was not free from doubt whether the Legislature ever intended to exclude this particular tax. Under these circumstances I think it is only attributing something to the Legislature of the past which was not intended at the time.

I submit that it may be a small point at the present, but we must at the same time think of the repercussions of such a Bill on the country as a whole. The question is we referred a particular matter for interpretation to the highest tribunal. We now think that the judgment of the tribunal is not correct. Is it open for a private party, if he is not satisfied with the judgment of the highest tribunal, to come at once to the Legislature and say that the intention of the Legislature was such and such but the highest tribunal has interpreted the Act in another way and therefore you must at once change the law? Are Government prepared, in cases in which the judgment of the tribunal is against the subject, to have legislation in favour of the subject if a representation is made by the subject? My submission is that only because you happen to be at the helm of affairs and only because you happen to be in a position to move any legislation at any time, it is not proper for you to show an amount of non-confidence in the judgments of the highest tribunal. The word “non-confidence” may appear to be a strong one, but really that is the fact. In this particular case an appeal was filed from the judgment of the High Court of Allahabad and an appeal from the Judgment of the High Court of Bombay. Government filed an appeal, the subject also filed an appeal, and the matter was decided in a particular way. Now, because Government happened to be dissatisfied with the judgment they at once rush to the Legislature and say that the judgment is not a correct one, that it was not the interpretation and therefore they want to correct it. In this particular case you will find that the subject and Government, so far as the interpretation of legislation is concerned, are not on the same basis. They are on different bases. This means therefore a non-confidence in the judiciary or, to say in other words, that Government will always be in a position to overrule the judiciary. I think it was possible for Government to have just waited till the Finance Bill and under

[Shri Kazmi]

the Finance Bill they might have made the necessary changes. But in the very Statement of Objects and Reasons a reference is made to the judgment of the Supreme Court. And in the Bill itself an exemption is made in respect of cases already decided. This, to say the least, is very improper and only shows our want of confidence in the judgment of a tribunal which we have appointed for the purpose. For this reason I would even now ask Government to reconsider their position so far as retrospective effect is concerned and just have only the future effect. The mere question of loss of so much revenue would not, I think, weigh so much with Government as the confidence of the general public and the repercussions that will follow in the ideas of the general public by the passing of such a retrospective measure against the pronouncement of the highest tribunal of this country.

Shri C. D. Deshmukh: The hon. Member made one or two factual points. Firstly he said that it is not quite clear that the legislature intended to exclude this. As I said in my opening speech, when this phrase was introduced in section 9(1)(iv), our specific purpose was to permit the deduction of charges like the court's decree or other charges, following a settlement an amendment was moved in the Assembly for the specific allowance of municipal taxes. It was opposed by Government and was therefore withdrawn. If that is not a clear indication of the wishes of the House, I do not know what could be regarded as such. Then, he said that he did not think that in that U.P. case it was a case of judicial decision but it was merely a matter of doubt. Actually, the amending Bill was moved with retrospective effect in order to provide for the levy by the Union Boards of U.P. on property and circumstance tax which was held by the Allahabad High Court to be in excess of their powers under the Government of India Act. Therefore in the preamble, there was a reference "whereas, it has been judicially held". I, therefore, think that that case is on all fours with this. As regards the propriety of this, I would just like to end up by reading an extract from Randolph E. Paul's book, 1947, First Edition, *Taxation for Prosperity*, which summarizes the general principles governing retrospective legislation in taxation.

"In 1937 when Mr. Morgenthau asked for quick action to prevent

the growth of vested interests in tax avoidance devices, his foresight was better than he could have known at that time. The latest argument is that it is unfair, even when the purpose is to prevent tax avoidance, to make new law for the future affecting persons who in the past have committed themselves to a given course of action, from which there is no retreat in the face of legislative change. The argument is, of course one of policy. It could hardly be based upon any benevolent protection afforded by the Constitution, for in many instances, the Supreme Court has held that tax liability may be re-defined for past years."

Shri Syamnandan Sahaya: May I draw your attention to one matter? There are two clauses, clauses 3 and 4. Clause 3 exempts two persons from a certain tax and clause 4 makes other people similarly placed liable to the same tax.

Mr. Speaker: It is no use inviting my attention to this point, because it would be going into merits. It is not a point of order, nor a point of procedure. It is a point on merits and Government may consider it.

Shri Syamnandan Sahaya: What I was trying to place before you is that according to article 14 of the Constitution, the State shall not deny to any person equality before law.

Mr. Speaker: Order, order. The hon. Member should have raised this point much earlier. I could have in that case, if he had a particular objection to a particular clause, put the clauses separately. No objection was raised at that time, and any attempt to raise any further point will be too late now.

Shri Jhunjunwala: I desire to have one point made clear. I understand that in U.P. there is a circumstance and property tax imposed by the District Boards. They charge tax on the property, that is, on rent that accrues from the property. The other tax that is imposed is on the profits that accrue in a business carried on by the property holder in that building. Will this include the tax which they impose on the income of any business carried on in that building?

Mr. Speaker: Is the position clear?

Some Hon. Members: No, no.

Mr. Speaker: I shall try to explain, but then I myself am not sure whether I have understood the hon. Member correctly. His point seems to be this:

There are two different modes of assessing tax on income in the U.P. One is the tax on the rental value of the property itself and that is treated as the income of the assessee. The other is that if an assessee carries on business in the premises, then his business is assessed. Is that right? So the point is whether this proposal applies to both kinds of incomes. The point as I have tried to follow is this, that when an assessee is assessed in respect of business, he gets allowances for the rent that he has to pay. Now in the present arrangement, the question seems to be, supposing the owner of property carries on business, then he will be assessed in respect of municipal rental valuation on his income and it will be said later on that as he is carrying on business in his own premises, he will not get allowances for the rental valuation; and that will mean double taxation. Is that the idea?

Shri Jhunjhunwala: One thing is clear, namely, that they tax the profits which accrue from a business that is carried on. The other thing is, supposing there is a factory, on that factory they charge on the basis of the rent of that building. They take into consideration also the profits that they are making and they impose a certain tax which is called the circumstance tax. This should come within the purview of deduction as it is not on the basis of annual value of the property.

Shri Shiv Charan Lal: The circumstance and property tax is imposed by most of the District Boards.

Mr. Speaker: Whatever may be the nature of the Boards, a certain amount of tax howsoever calculated is payable to the District Board and the question here seems to be in respect of the tax paid to the District Board.

Shri C. D. Deshmukh: I think section 9 refers to property occupied by the owner, other than such portion of the property which he may occupy for purposes of business, profession and so on. We are dealing here with property occupied by the owner otherwise than for business. Those matters are assessed separately. This question does not seem to arise in connection with the kind of tax that we are considering in this Bill.

Mr. Speaker: Then I will put the motion to the House. It is perfectly clear; it requires some previous knowledge and practice of Income-tax law. It is a complicated business in a sense.

Shri Tyagi (Uttar Pradesh): For a person who pays the tax, the income-tax law is not so important but whether the incidence will fall on him and to what extent. My hon. friend has raised a point that in U.P. income-tax on the same basis is realized. There is a circumstance and property tax in the District Boards and they realize both the profession and property tax. Suppose there is a carpenter who works in a workshop and he has to pay on account of his income some percentage to the District Board, which is known as C.P. Tax, will anything be deducted? That is the salient point. I do not really want to enter into Income-tax law. I only want to know whether that man will be benefited or not?

Shri C. D. Deshmukh: The answer is that neither is deducted.

Mr. Speaker: The answer in short will also probably be that if a man earns his income from five different sources, all his sources of income will be liable to tax. He may earn an income as a property owner, he may earn an income as a businessman.

Shri Tyagi: Has he to pay at both places?

Mr. Speaker: If he earns an income at two or five different places or sources, he has to pay on the whole.
3 P.M.

Shri Tyagi: My point is this. Suppose I had Rs. 100 from five different sources. Income-tax will be charged on that Rs. 100. On that Rs. 100, I will have to pay C.P. tax also.

Mr. Speaker: Therefore I said it is a question of a complicated nature. The hon. Member will see that the two taxes are being levied by two different authorities.

Shri Tyagi: On the same income.

Mr. Speaker: May be the same income. I do not propose to allow any further arguments on the question.

Shri Tyagi: I want clarification, Sir. The question is this. On a sum of Rs. 3,000, I pay Rs. 200 to the District Board. When the Income-tax officer assesses me, will he deduct the tax that I have paid?

Mr. Speaker: He would not deduct. His income is charged by the local authority as also by the Central Government. He must pay. Whatever it may be.....

Shri Sarwate: On a point of clarification, Sir,.....

Mr. Speaker: I do not propose to allow any further clarification.

Shri Sarwate: Not on this question; but on another point, I want clarification from the hon. Finance Minister. In the note on clause 5 on page 4, there is an illustration given. In this illustration, Rs. 900 is the moiety of the rental. One-eighth of Rs. 6,000 comes to Rs. 750. The tenant is required to pay Rs. 300 besides rent. The difference is Rs. 450 which should be deducted from Rs. 6,000 per annum. It comes to Rs. 5,550 as the annual value whereas in the illustration it is given as Rs. 5,600. I would like the hon. Finance Minister to clarify how the difference arises.

Shri C. D. Deshmukh: I do not think it is a point of principle. It is given as an instance to show how this will work and it is not essential that that particular sum is right. I think it is right; but it will have to be examined.

Mr. Speaker: The question is:

"That clauses 1 to 6 stand part of the Bill."

The motion was adopted.

Clauses 1 to 6 were added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Shri C. D. Deshmukh: I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

SUPPLY AND PRICES OF GOODS BILL

The Minister of Industry and Supply

(**Shri Mahtab**): I beg to move:

"That the Bill to provide, in pursuance of a resolution under article 249 of the Constitution, for the control of prices of certain goods, and the supply and distribution thereof, be taken into consideration."

The House will remember the circumstances in which it took powers to itself to make laws for the control of prices of various commodities. That was a time when prices were rising on account of speculation carried on by several people following upon the Korean war. The House met in August last when they passed a resolution that some laws should be made to control the prices.

Immediately after the session, there was a Conference of the Chief Ministers of all States. We discussed this problem with them also. The existing laws were examined in great detail as to whether under any of the existing laws the problem of rising prices could be tackled. It was also suggested that the existing Preventive Detention Act could be profitably used against the anti-social elements. Accordingly, the Prime Minister wrote to the different States drawing their attention to the specific provisions in the Preventive Detention Act. But, subsequently, it was found that that law could not be used for an offence already committed by anybody, and that that law was intended to prevent a person from committing an offence.

Pandit Kunzru (Uttar Pradesh): We have not been able to hear a word of what the hon. Minister is saying.

Shri Mahtab: I am sorry. This mike is not working, perhaps.

This Preventive Detention Act was not ultimately found to be helpful...

Shri R. K. Chaudhuri (Assam): May I request, Sir, that he may begin from the beginning?

Mr. Speaker: He is beginning from the beginning.

Shri Mahtab: The House will remember the circumstances in which it took power to itself to pass a resolution for the control of prices which were rising at that time on account of the Korean War which broke out towards the end of July last. Under article 249 of the Constitution the House decided to take power unto itself to make laws. Immediately after the last session of Parliament, there was a conference of Chief Ministers, and we discussed various problems including the problem of rise in prices also. It was discussed threadbare in the Conference as to how to tackle the problem of rise in prices of various commodities. It was suggested at that time that the existing Preventive Detention Act could be profitably used against the anti-social elements which were responsible for the rise in prices. Accordingly the Prime Minister wrote to all the States drawing their attention to the specific provisions in the Preventive Detention Act under which a person indulging in anti-social activities, so far as essential articles were concerned, could be detained. But, subsequently, it was found out that that law could not be used against persons who had already committed an offence and that that law was intended to prevent a person from committing a certain offence. Therefore, that law

was not helpful as we at one time thought it to be. Therefore, the necessity for issuing an Ordinance arose as Parliament was not in session at that time. An Ordinance was issued to tackle with the problem of rise in prices.

Immediately after the issue of the Ordinance, Government appointed a Prices Advisory Committee consisting of Shri Manu Subhedar, Mr. J. F. Sinclair, Shri E. P. W. da Costa, Shri Charat Ram, Shri A. D. Gorwala, Shri N. D. Sahukar, Shri M. R. Masani, Shri B. K. Rohatgi, Shri S. P. Jain, Mr. A. J. Elkins, Shri Prabhudayal Himatsingka, Shri T. A. Ramalingam Chettiar, Shri P. A. Natielwala, Shri Tulsidas Kilachand, and Shri Ratilal M. Gandhi. The advisory Committee met and we discussed the Ordinance which we had issued; each section was discussed. The very same Ordinance is placed before Parliament in the shape of a bill, with one or two minor changes here and there. Therefore, this Bill which I am placing before the House is not a new thing. This Ordinance has virtually worked for the last three months with the advice and concurrence of this Advisory Committee, which, as you know, consists of people who have some experience in the matter and could be the best advisers of Government. Therefore, according to me, the Bill is a very simple one and it need not be the cause of any unnecessary suspicion or unnecessary alarm on any account.

So far as the amendments are concerned, it seems to me that there is a lurking suspicion that by this law some more advantage is being taken for control. That is not a fact. If hon. Members will compare this law with the Essential Supplies Temporary Powers law, which they have already passed after a long discussion, they will find that the provisions of this law are almost the same as the provisions of the other law. The Essential Supplies (Temporary Powers) Act of 1946 applies only to control of production, supply and distribution, trade and commerce in food stuffs, including edible oil seeds, oils, cotton and woollen textiles, raw cotton, including ginned cotton and unginced cotton or *kapas*, cotton seed, paper, petroleum and petroleum products, spare parts of mechanically propelled vehicles, coal, iron and steel and mica. The law which I am placing before the House applies to commodities other than these. These and the other essential things will not come under this law which I am placing before you. Those will be controlled by the Essential Supplies Act. So far as this law I am placing before the House is concerned you

will find that in section 3, Government have kept to themselves the power to extend the provisions of this law to any commodity whenever the necessity arises. But in spite of that a Schedule has been given so that hon. Members may be enabled to have an idea about the commodities which can be brought in the purview of this law.

Hon. Members know that the Central Government have no agency to enforce the provisions of this or any other law in the States. Therefore there is provision in this Bill for the delegation of powers to the State Governments.

So far as the working of the Ordinance is concerned, we delegated the powers to the various State Governments and the State Governments have been responsible for the administration of that law. We have taken care to see that deterrent punishment is given to those who are the real offenders, and we have also taken care to see that the law is not abused. We have also provided for some brakes at some stages so that the law may be administered efficiently and smoothly and without any abuse.

Coming to the administrative machinery, I would request hon. Members not to make specific directions in the law, because ultimately the administration of the law will depend upon the State Governments and their opinions also have been taken into account, in preparing this Bill. When the Bill was drafted, it was circulated to all the States and their opinions were elicited. Some suggested much stricter provisions, much more stringent provisions. But after taking into consideration all the aspects of the question, and after considering the advice given to Government by the Price Advisory Committee, we thought that the Bill as it stands, would serve the purpose. As a matter of fact, it has served the purpose. We have kept prices of various commodities, a list of which has been given in the Schedule, under control and I am very glad to say that this law has worked in a satisfactory manner to the extent that prices have not gone up very much. But I must say frankly also that along with the enforcement of this law, some other steps were taken, as for instance the relaxation of some of the import control rules and the use of the Preventive Detention Act in various places. All these also are responsible for keeping down prices. All the same, this Ordinance has played a great part in this matter and there is no doubt about that.

As I have said, the Bill as it stands, is merely a replica of the Ordinance

[Shri Mahtab]

and therefore I do not think it would require much discussion on its provisions.

There are, however, one or two points to which I would like to refer. There is a snag in clause 18. When the Bill was drafted, the Criminal Procedure Code was not in force in various Part B States. Accordingly I propose to move an amendment and notice of that amendment I have already given and it is designed to correct the position now. Therefore amendments Nos. 12 to 17 of which notices have been given would be covered by my amendment.

With regard to other amendments, a suggestion has been made that there should be no limit of Rs. ten to the sale of goods for the purpose of this law. But I think, if Hon. Members apply their mind to the question, they will see that if the amendment is accepted, the result will be that small shopkeepers will be subjected to considerable harassments, and also it would not be administratively possible to enforce the law at that level. Similarly in the case of the other amendments there will be considerable administrative difficulties.

I would like to invite the attention of hon. Members to another point because some of them have mentioned it to me. They say that a new point has been introduced in this Bill, under clause 13. There it is stated:

"The Central Government may, by general or special order—

(c) regulate by licences, permits or otherwise the production, supply, storage, transport, distribution, use or consumption of any goods."

I want to point out that the words "use or consumption" are not new items put in here. I would read the corresponding section in the Essential Supplies Act—that is, section 3.

"The Central Government may ... regulate by licences, permits or otherwise, the storage, disposal, acquisition, use or consumption of any essential commodity."

So there is nothing new in this present section. I can give you several instances to show that at a certain stage, it may be necessary to control both the use and consumption of the article. From the schedule, it will be seen that horlicks is one of the items. And that is an article of food. Similarly there is caustic soda and soda ash. All these things can be used for various purposes. We can lay down the purposes for which they will be used or

consumed. For instance one person may be having several factories each of which may require caustic soda. But on the production of one single item Government may place stress and say that that item should be manufactured more. In that case it may be laid down that the caustic soda which is supplied to the proprietor of the factory must be used for the manufacture of that particular commodity. Similarly there is the food item also and so the word "consumption" must be there. But the use of the words "consumption" and "use" so far as it appears to me, does not mean much difference. There is not much difference between one and the other. I have been advised by the Law Ministry that even one word would do. The retention of both the words also will not create any difficulty.

There is another point I have to touch upon and that is about rubber. Some friends here are very much agitated as to why rubber was included in the Schedule, although there is a separate law for rubber. Of course, the price of rubber is controlled by a separate law; but this has been included here to give an indication as to the kind of commodities that may be brought under this law. As far as the price of rubber is concerned, there is considerable agitation that the fixed price of rubber to-day must be raised. I have also discussed this question with friends here and also the Rubber Board which recently met at Bangalore and passed a resolution on the subject. We are now examining the whole question. If that point is raised, I will give you all the details. At one time the price of rubber fell down so much that we had to maintain it, Government of India had to maintain it at a higher level in the interests of rubber production in the country. But now the position is changed because of the war situation and the price of rubber has gone up, much higher than that prevailing here, and therefore the pressure now is to raise the price here also. That will have some repercussions on the manufacture of rubber goods. But that is a matter which is now under the active consideration of Government and they will come to a decision soon. We could not come to a decision till now because we waited for the resolution of the Rubber Board. That advice has now been obtained, and we have also got the opinions of some hon. Members who know the subject and we are in a position to come to a decision.

I cannot say at this stage whether the prices will be raised and if so, to what extent. That is a matter for consideration. But merely omitting 'rubber' from this Bill, the price of rubber

is not decontrolled because the control is always there and besides, even if the item rubber is removed from the schedule, Government have got the power under clause 3 to extend this Bill again to that article which is not included in the schedule. So, no useful purpose could be served by removing that item from the schedule. My contention is, so far as the price of rubber is concerned—and I can assure the Members who are interested in it—that the question is very much under the active consideration of Government and a decision will be arrived at and the decision will give satisfaction to all concerned.

I have nothing more to say at this moment and if any other point is raised, I shall be pleased to reply later.

Mr. Speaker: Motion moved:

“That the Bill to provide, in pursuance of a resolution under article 249 of the Constitution, for the control of prices of certain goods, and the supply and distribution thereof, be taken into consideration.”

Shri K. Vaidya (Hyderabad): I did not hear properly what the hon. Minister said about amendment regarding Criminal Procedure Code in clause 18.

Mr. Speaker: He said they shall be deemed to have been included in the Bill because he finds that the Code of Criminal Procedure is not applicable in the terms to certain Part B States.

Shri J. R. Kapoor (Uttar Pradesh): It appears to me that the hon. Minister of Industry and Supply anticipates that this Bill of his is going to evoke a good deal of criticism and he has therefore tried to assure us that this Act will be observed in a very sweet and soft manner, that there is nothing alarming in any one of its provisions and that therefore, there need not be much discussion over it and we should quietly swallow it down.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

Dealing as it does with milk—as my friend Mr. Tyagi says—he wants us to gulp it down as sweetmilk. The fact however is that this Bill goes very much beyond the scope of the resolution which vested the Central Government with the authority to enact such a legislation. Some of the provisions of this Bill go even far beyond the scope of the Bill, the scope which is enunciated in the Statement of Objects and Reasons, the scope as it is enunciated in the long title of the Bill and the

scope as it is put down in the marginal note of some of the clauses. This Bill is presented before us in pursuance of a resolution under article 249 of the Constitution for the control of prices of certain goods and the supply and distribution thereof.

Let us refer to article 249 of the Constitution under which the resolution was passed by this House on the 12th August 1950. Article 249 of the Constitution runs thus:

“Notwithstanding anything in the foregoing provisions of this Chapter, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest that Parliament should make laws with respect to any matter enumerated in the State List specified in the resolution, it shall be lawful for Parliament to make laws for the whole or any part of the territory of India with respect to that matter while the resolution remains in force.”

Now acting under this article 249 of the Constitution, the hon. Minister of Industry and Supply came before this Parliament on the 12th August 1950 with the resolution which was ultimately adopted and which resolution runs thus:

“That this House do resolve in pursuance of article 249 of the Constitution, as adopted by the President under article 392 thereof and as at present in force, that it is necessary in the national interest that Parliament should, for a period of one year from the 15th August, 1950 make laws with respect to the following matters enumerated in the State List namely:

(i) trade and commerce within the State subject to the provisions of entry 33 of List III, and

(ii) production, supply and distribution of goods subject to the provisions of entry 33 of List III”.

This was the limited scope of that resolution. Now to make things clear, let us turn to entry 33 of List III. This is entry 33 of List III:

“Trade and commerce in, and the production, supply and distribution of, the products of industries where the control of such industries by the Union is declared by Parliament by law to be expedient in the public interest.”

So all this amounts to this that on the 12th August 1950 this Parliament

[Shri J. R. Kapoor]

gave to the Central Government the authority to legislate in respect of the subject mentioned in item 33 of List III. Now this item is confined to trade and commerce, production, supply and distribution of the products of industries and the control of such industries. It does not make any reference whatsoever to the use and consumption of articles. My hon. friend the Minister of Industry and Supply rightly anticipating that the inclusion of the words 'use or consumption of any goods' in clause 13 of this Bill is likely to be objected to, has taken refuge under the plea that the Law Ministry has advised him that it is necessary to retain these words. The advice of the Law Ministry may be a gospel truth with him or for him but certainly, we here on whom is cast the duty and responsibility of enacting proper legislation have got to apply our own independent judgment to everything. We must apply our minds independently of what the Law Ministry thinks. The Law Ministry is not necessarily always infallible. To me it appears so, and I would request you to apply your mind to this aspect of the question and seriously consider whether these portions of clause 13 of this Bill are or are not beyond the scope of this Bill and also beyond the scope of the resolution under the authority of which this legislation is sought to be enacted.

To control and regulate the use and consumption of articles may be a laudable object, or perhaps may not be—that is not the point for us to consider at this stage. Even assuming, for the sake of argument, that it is a laudable object, that it is necessary and desirable to do so, the question is whether it can be done within the scope of this Bill and within the scope of the resolution.

The Minister of State for Transport and Railways (Shri Santhanam): The hon. Member seems to be under a misapprehension. The resolution was passed with respect to entries Nos. 26 and 27 in List II. As regards List III we have got the concurrent power. Here we gave power to Parliament to enact laws with reference to entries 26 and 27 which cover the entire field of trade and commerce, production, supply and distribution.

Shri J. R. Kapoor: Entry Nos. 26 and 27 of which List?

Shri Santhanam: Of List II—State List.

Shri J. R. Kapoor: But it is not mentioned in the resolution placed before us, which I have already read out.....

Shri Santhanam: You read out entries 26 and 27?

Mr. Chairman: Order, order. Entry No. 33 of List III must be read with entry Nos. 26 and 27 of List II. Then the whole thing will be complete.

Shri J. R. Kapoor: I don't know in what way my hon. friend, Mr. Santhanam, vigilant and careful as he is, would like to correct me. Entries 26 and 27 of List II run thus:

"26. Trade and commerce within the State subject to the provisions of entry 33 of List III."

Now, entry 26 is subject, again, to entry 33 of List III. Even if it were not, the only words that we have here are "Trade and commerce within the State", and not "use and consumption."

Shri Santhanam: And entry 27?

Shri J. R. Kapoor: I will just come to it. My friend need not be impatient. I will not allow to go unnoticed a single word or syllable that has fallen from his lips. Entry 27 reads:

"27. Production, supply and distribution of goods subject to the provisions of entry 33 of List III."

How does use and consumption fall within the scope of entries 26 and 27 of List II or within the scope of entry 33 of List III? To me it is absolutely clear that regulation of use and consumption of articles is entirely beyond the scope of the resolution by virtue of which this legislation is sought to be enacted. All that the resolution empowered Government to do was to legislate with regard to production and supply of articles, and the emphasis, particularly, is on the manufacture of goods. So far as use of articles in the manufacture of goods is concerned, it is all right. That can easily be covered by the words "supply and distribution". When an article is supplied for a particular purpose, obviously it must be used for that particular purpose and it cannot be put to any other purpose. But when we go beyond that and say that even the consumption of the article must be regulated, that is taking a very wide step. Not only will it be a very big and wide step but it will also be contrary to the spirit of entry 33 of List III and entries 26 and 27 of List II. Consumption and production go one against the other. Consumption is no part of production. As a matter of fact, consumption is just the negation of production. I took care to consult the dictionary on this subject just a few minutes ago, and I find the word

"consumption" defined thus: "The act of using up or consuming". Then: "The converse of production". These are the very words in the dictionary. The dictionary says consumption is the reverse of production. Then it says: "pulmonary consumption, a more or less rapidly advancing process of lung destruction". Of course, with that we are not concerned. With that the hon. Minister of Health might be concerned but surely not the hon. Minister of Industry and Supply.

So, I submit that so far as the use and consumption of articles is concerned, it cannot be legislated upon within the scope of the resolution which we have passed. I would therefore earnestly and humbly request the hon. Minister to consider this aspect of the question seriously and agree to the deletion of those words and not insist on their retention. For, I am afraid if he does retain those words this enactment might be taken to the Supreme Court by somebody and then we may be faced with a very inconvenient situation. The hon. Minister himself said that he does not want that there should be such a situation. He said that if we don't have this legislation in a clear and definite form then there might be various legal interpretations. It is just to avoid that situation that I would submit that these words may be dropped.

That is one aspect of this Bill. Apart from that I must submit that whenever any legislation relating to controls is brought before us, it not only disappoints us but provokes us considerably.....

Babu Ramnarayan Singh (Bihar): Hear, hear.

Shri J. R. Kapoor: I am much obliged to my hon. friend, the Rishi of this House, Babu Ramnarayan Singh for encouraging me, but I know that it is not he alone who holds this view but an overwhelming majority of hon. Members of this House.

An Hon. Member: No, no.

Pandit Balkrishna Sharma (Uttar Pradesh): Not at all.

Shri J. R. Kapoor: It is good that I hear at least two "Noes" in such a big House. That goes to show that out of such a large number of Members there are only two who are opposed to this Bill. That supports my view and I am obliged to them for their two loud "Noes". Time and again, many hon. Members in this House have expressed themselves emphatically and clearly that they are feeling very unhappy over the question of controls. They

have been insisting time and again that Government should adopt a policy of decontrol, if not immediately at least.....

Babu Ramnarayan Singh: Immediately.

Shri J. R. Kapoor: I would prefer it were so, but even if Government cannot take courage in both hands and resort to a policy of immediate decontrol, then they must at least follow a policy of progressive, gradual decontrol. What do we find now? Rather than proceed towards the adoption of a policy of gradual decontrol, the more we demand decontrol the more insistent we find Government on imposing more and more controls. They are including more and more articles within the scope of controls, and instead of progressing towards gradual decontrol they progress, and rapidly seem to progress, towards controls. That is the irony of the situation. I would urge upon the hon. Minister of Industry and Supply to undertake a tour of the country with the sole object of ascertaining public opinion. If he does that, he will find that not even five per cent of the citizens favour control. Wherever he goes, he will hear a cry against controls. Traders, middlemen, consumers, members of the Congress Party as also the other political parties—everyone cries that he is sick of controls. There is a universal appeal to do away with controls. While moving the resolution on 12th August last the hon. Minister referred to the replies received from hon. Members of this House to the Questionnaire issued by me to elicit their views on the question of controls and admitted that a very large section of this House had expressly declared itself against controls.

Shrimati Renuka Ray (West Bengal): There is a large section which wants control.

Shri Tyagi (Uttar Pradesh): It is a feminine section.

Shri R. K. Chaudhuri: We want self-control.

Shri J. R. Kapoor: I congratulate the supporters of control that they have found one more supporter in Mrs. Ray but I do trust that by the time we come to voting to this Bill, their number would not be more than three. Subsequent to the passing of the resolution of 12th August, many more hon. Members sent their replies and it is now abundantly clear that a very big majority are definitely and emphatically of the opinion that Government should adopt a policy of

[Shri J. R. Kapoor]

gradual decontrol if they cannot resort to immediate decontrol. The controls are sickening. They have led to corruption. They have such a degrading, demoralising, depressing and damning effect that it is time that Government took note of the feelings in the country and adopted a responsive attitude. After all, who wants control? Is it the producer? No. Any honest producer will tell you that he cannot increase production due to control. May I remind you, Sir, that in the month of April last, under your leadership, a batch of hon. Members of this House went round the country to see the industries? What did we hear from the industrialists? Only one thing: remove control.

Pandit Balkrishna Sharma: What a Bible he is quoting from?

Shri J. R. Kapoor: My hon. friend says that I am quoting from a Bible, meaning thereby that I was repeating from representations made to us by the industrialists. But these representations were made to us by honest industrialists and not by the black-marketeers many of whom happen to be occupying respectable positions in the city from which my hon. friend comes. I am referring to honest industrialists and not to those who indulge in black market.

Pandit Balkrishna Sharma: Illusion of honest industrialism.

Mr. Chairman: I would request that there should be no interruptions like this. Let the hon. Member proceed.

Shri J. R. Kapoor: I was submitting that those industrialists said that because of controls production was not increasing. What does the middleman say? Lakhs of middlemen have been crying hoarse that the controls must go as they have been thrown out of employment. Lastly, does the consumer want control? Certainly not. I would request my hon. friend Pandit Balkrishna Sharma to consult Mrs. Sharma as to what her views are in regard to control and I am sure she will give him a curtain lecture and tell him that he should not unnecessarily speak in favour of control.

Pandit Balkrishna Sharma: My hon. friend seems to have been very much influenced by his own curtain lectures.

Shri Syamnandan Sahaya (Bihar): That is quite clear.

Shri Tyagi: But your lectures have fallen flat.

Shri J. R. Kapoor: With me it is an old story but Mr. Sharma's experience is recent and fresh. This being the

public opinion, is it fair or proper to stick to a policy of control? After all, democracy means that the view and wishes of the people must prevail. It may be that the hon. Ministers are strongly of the view that controls are in the interests of the country, but there is the other view held by almost the entire country that controls should go. The question is: which view should prevail. Even though it may not be a correct view, it is the view of the country that should prevail. In democracy, people have a right to insist that Government should accede to their wishes. Even if it is risky, Government must take the risk and if after that the country is proved wrong, then the responsibility for it will not be on the shoulders of Government but on those of the people at large. The people will feel satisfied that they have had their way, and if their judgment is found to be wrong, they will cooperate with you fully and absolutely. What is the position today? The public is not cooperating with you. It feels that you are not in the right and therefore it is not cooperating. No policy of Government can be effective unless the willing and active cooperation of the public is coming forward. The controls may be very good in theory, but we do not live by theories only. We have to look to the practical aspects of the situation. Controls are not effective because we have not got an efficient machinery. We have not got as many honest workers to put the control into operation as are necessary. There may be other reasons too. But one of the major causes is that the public is not cooperating. When people go to the black market to buy sugar, salt or cloth, they do not really feel that they are doing something wrong. Demoralisation has overtaken them to such an extent that they have ceased to think that they are doing anything wrong by purchasing things at prices which are very much above the control price. That being the situation, the question is what should Government do. I submit that they must yield to public opinion and adopt a policy of gradual and progressive decontrol.

The hon. Minister of Industry and Supply said that the immediate necessity for the Ordinance arose because of the Korean War and the consequent rising prices. That may have been the reason. But what do we actually find? What articles did they seek to control under the Ordinance and want to control under this Bill? They are bicycles, cycle tyres, electric bulbs, etc. This list, of course, may be increased or decreased from

time to time by notification. My hon. friend the Industries Minister said that immediately after the promulgation of the Ordinance the prices of articles stabilised, or even went down, if I heard him aright. I do not know from what quarter he received this information. I know of some places at least—I do not know for the whole of India—where the prices of these articles, particularly cycles, cycle tyres and electric bulbs, were fixed at a point very much above the prevailing prices at that time. The prevailing prices of cycles, bulbs, etc., were very much lower than the prices which were fixed under the Ordinance. I wonder whether that was the real intention of the Ordinance. That Ordinance in fact went to help the middlemen, people who had already good stocks of bicycles, bulbs and tyres and not the consumers. I do not know whether this is so in regard to other articles. May be; I used to hear then that this was the case in respect of certain other articles as well. But in regard to these articles, I know it for a fact that the prices fixed were very much above the prevailing prices then.

Then again there was absolutely no scarcity of these articles. I ask what occasion was there then for fixing the prices of these articles at such a high level. There may perhaps have been a tendency for prices to rise; but certainly they had never touched the level at which they were fixed.

Now we are assured by the hon. Minister that this piece of legislation will be enforced not only sweetly and softly, but also very reasonably and efficiently. Is this the efficiency with which the hon. Minister wants to enforce it. I, therefore, submit that it is very necessary that Government should respond to public opinion and even when they do want to control certain articles, they must see to it that everything is done efficiently. I would, in this connection, request the hon. Minister of Industry and Supply to emulate the good example of the hon. Mr. Munshi, the Minister of Food and Agriculture, who, I find, is not present here. I wish he were here when I congratulate him for at least trying to make an attempt to adopt a policy of gradual decontrol. So far as sugar is concerned, he has agreed that when the factories have produced ten lakh maunds of sugar this year, any sugar produced over and above that will be permitted to be sold in the open market. I was very glad to read yesterday that the Chief Commissioner of Delhi has already ordered that along with rationing of sugar, it can be sold in the open and free market. Only at about two o'clock when I went for

my lunch I enquired of my servant as to what is the prevailing market price of sugar and he told me that it is about Rs. 45 per maund. (*An Hon. Member*: It is Rs. 1-12-0 per seer). That may have been the price two or three days back when it was being sold in the black-market. But the price I have given you is the price prevailing since the promulgation of the Chief Commissioner's order. The price has come down by four or six annas per seer and it is quite likely that in the course of the next few days prices will go down further. Here is an example which is worthy of emulation and I request my hon. friend the Minister of Industry and Supply to follow that and see what wonderful results follow therefrom.

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I would request you to convey to the House that Government wish us to sit longer hours. Otherwise, it would not be possible to finish our business. Government intend to put through only urgent business and withdraw less important ones. Unless the House agrees to sit one hour late every day, we are afraid we will not be in a position to finish them.

Mr. Chairman: I think the House agrees to sit till six o'clock today.

Some Hon. Members: Yes.

Mr. Chairman: I would in this connection request hon. Members to be strictly relevant. The question before us is not control or decontrol. I, therefore, expect that hon. members will not make very long speeches.

Shri J. R. Kapoor: My reason for having made a long speech is that this Bill related to the control of supplies, control of prices and control of distribution.

Shri R. K. Chaudhuri: Sir, on a point of order. This Bill embraces a very wide field, because according to its provisions any article may be included and brought under its scope.

Mr. Chairman: This is hardly a point of order.

Shri Tyagi: I think you have done well in pointing out that the controversy regarding control v. decontrol does not come within the scope of this Bill. But since it has already come, I must say that I am in favour of decontrol,—absolute decontrol. But then, Government must have the power with them. They must control or decontrol as and when the situation so demands. The point that this Bill raises is whether Government must have the power or not. (*An Hon.*

[Shri Tyagi]

Member: No.) It is all right for hon. Members to say 'No' here now. But if tomorrow when the House is not in session a situation arises, on account of scarcity, in which prices shoot up, how is the hon. Minister to deal with it, unless he has got powers? Therefore, I submit that even if some hon. Members may not like Government to be armed with these powers, it is advisable to give them power in the interests of the peace of the country. As the House knows, the whole world is on the brink of a crisis. No one knows what is in store for tomorrow. So Government must be clothed with the fullest power. At the same time I would appeal to Government not to use these powers, as far as possible. On the question of control or de-control I am in favour of de-control but only when Government have made sure that de-control will not spoil the peace or tranquillity of the country or upset the regular supply of commodities that people want. So I am for absolute de-control but I want to make the prices of articles progressively de-controlled.

4 P.M.

Coming to this Bill itself the very list of articles given in the Schedule—non-ferrous metals, bicycles, electric bulbs, caustic soda, soda ash, tanning materials, raw rubber, casein, infants' foods (Glaxo, etc.)—the very list shows the trend of the mind of Government as to which things they want to control. Basically a sort of power is being sought to control articles mostly of industrial use. Prices have to be controlled if industry is to run smoothly. For instance bicycles. We have given a lot of protection to these firms who are producing bicycles here in India. In the last Budget they were the biggest profiteers, not profiteers in the shape of black money, but as far as the profit that accrued from the Budget was concerned those bicycle industry people got the best of it. When they were given so much protection it is for Government to see that they do not go on selling bicycles very dear to the people. It is in the interest of the tax-payers, who have given up cheaper material from outside for the sake of patriotism for the country and the nation, to see that these persons who benefit therefrom are also checked from deriving too much profit. If the hon. Minister has the power to control prices and brings down the prices of bicycles for instance, the poor people, the orderlies, peons, small persons and villagers and others who use the bicycles will be helped. I therefore think that the power must be given.

How will that power be brought into use if Government are not given the power? Therefore I am wholeheartedly in support of the Bill. I think Government must have the power.

Then I want to come to a few details of the Bill. I assure the hon. Minister that it is absolutely constructively that I am making some suggestions. He will agree that the punishment provided in this Bill is rather deterrent. I also love to have deterrent punishment for any anti-social act. But where the punishment is heavy, and the more heavy the punishment is, the more intensively we should think, particularly, on what counts the punishment should be awarded. It is necessary to do so in the interests of the people who will be punished. Because, the House is not only a punisher but has also got to protect those who will be punished and see that no wrong person is punished and that no undue punishment is given. That is also the lookout of this House.

Although I do not think this is the stage to enter into a discussion of the particular clauses, I submit that under the "Penalties" clause it is mentioned that:

"any person who contravenes any of the provisions of this Act, or of any orders or rules made thereunder, shall, if no other punishment is specified therefor in this Act, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both".

Shrimati Durgabai (Madras): Is it deterrent?

Shri Tyagi: Three years is not deterrent, but then it becomes deterrent in this way that a sweeping sort of punishment you have given to every little and big offence. Suppose there is an offence of not giving you information in time. Suppose there is an order that by such and such a date the man must submit his stock position—as to how much is contained in his stock. Suppose the man comes late and gives you that information. He has disobeyed the order. Do you think three years' punishment has any relation with that little mistake of his? I can understand the courts will exercise their common-sense in the matter.

Shri Sidhva (Madhya Pradesh): There is fine.

Shri Tyagi: There is of course fine. But all offences committed under the provisions of this Act, whether they are small or big, whether they are hoarding, profiteering and the biggest

and major crimes or whether they are minor offences, we are treating them alike and giving a general sweeping sort of punishment. When there are to be punishments for various offences, there are various types of punishments always given in law. Not because the courts could not exercise them. But suppose that for all offences we say that the punishment should be up to five years and leave the discretion to the courts as to whether the crime or offence committed deserves punishment for five years, for one year, for a day or till the rising of the court. Then there will be one anomaly. One judge will take an offence to be serious, another might take it to be less serious. For the same offence committed in the same district, because it goes to different courts, one court may give a punishment of two years, another two days, a third till the rising of the court. So the same offence will be punished under one roof for one term and under another for another term. It is to avoid this anomaly that offences are divided and sub-divided and punishments are accordingly prescribed differently. I would therefore submit that the hon. Minister might kindly look into this. To treat all offences under this Act alike, and including offences against non-compliance of rules and such small things along with major offences is not, I think, fair. That is one suggestion I would like the hon. Minister to look into.

Coming to the point raised by my friend Mr. Jaspat Roy Kapoor, I agree with him that the power of making this control has been derived by means of a Resolution of August 12, 1950. According to article 249 of the Constitution we could enact about items in List III only if we were armed by a Resolution of the Council of States. If the Council of States by a Resolution entitles Parliament to enact about the regulation of articles mentioned in List III then only this House is empowered to legislate, otherwise not. Now there is no Council of States in existence and therefore in place of the Council of States the President has come to our rescue and he, acting under an article of the Constitution, has made our way smooth and he had acquiesced in our passing this measure. We are authorised to pass this measure only by first getting a Resolution of Parliament. This Parliament at present has the powers both of the Council of States and the House of the People. Therefore by means of a Resolution we are authorised to pass this enactment. Now, if we are having this sort of enactment, then we have naturally to go to the wordings of the Resolution.

As my hon. friend, Mr. Kapoor rightly pointed, the Resolution runs thus:

"That this House do resolve in pursuance of article 249 of the Constitution, as adapted by the President under article 392 thereof and as at present in force, that it is necessary in the national interest that Parliament should, for a period of one year from the 15th August, 1950, make laws with respect to the following matters enumerated in the State List namely:

(i) trade and commerce within the State subject to the provisions of entry 33 of List III, and

(ii) production, supply and distribution of goods subject to the provisions of entry 33 of List III."

We can enact within the scope of this Resolution. This Resolution has empowered this House only to enact about trade and commerce within the State and secondly, the production, supply and distribution of goods subject to the provisions of entry 33.

Now, entry 33 says: "trade and commerce in and the production, supply and distribution of products of industries where the control of such industries by the Union is declared by Parliament, by law, to be expedient in public interest." It is clear that it is only with regard to those articles which are the articles of industry that we have been empowered by the President to enact today. It cannot be any other article except the articles of industry. I hope the hon. Minister also accepts that we cannot go beyond the articles of industry. The second point that emerges is that we can control trade and commerce. We can also control production, supply and distribution. We cannot go beyond that. Now in 'supply' transport and all these things are included. (*Interruption*). Consumption is a part of supply, my friend says. I think I have to differ from him there. For instance we have got to pass the Hindu Code or any other code or we enact the law of marriage and also of divorce. Now between the bracket of marriage and divorce, I am afraid Government cannot put in a spoke into the bracket; they can go up to marriage on the one hand and divorce on the other but in between these two to regulate the relationship or to see how they love each other etc. are internal matters and I am afraid the House cannot enter into that. Our domain is up to the doorways of the household. That is not our look-out and the citizens must have their liberty. Suppose you control the use or consumption of milk.....

Shrimati Durgabai: The Hindu Code only blesses such a state of affairs.

Shri Tyagi: It does bless but it cannot go further than blessing; we can only bless, otherwise it will be intrusion.

Shrimati Durgabai: That is the state of affairs that it has blessed.

Mr. Chairman: The hon. Member may proceed with his speech.

Shri Tyagi: Our lady friends are so provocative that I cannot help replying. My submission is that we can only go up to the extent of supply. For instance, we can control the supply of infant's food. We can control the supply of condensed milk and say whether it is for the infant's food or for the sick person and lay down conditions by which it will be supplied to such persons as infants and invalids. I can understand laying down rules and conditions for such a supply. But once it is supplied, if my household is to be controlled and if my man is instructed that he should use it only for a child and suppose there is a guest in my house and I have no other milk and I give him a cup of tea with a few drops of that condensed milk, it will be preventing me from doing that, and I can never give a cup of tea out of that to my guest. I do not suppose Government will take such a step and control the consumption in that manner. If Government does this, then, I am afraid, they will be taking too much of botheration on themselves and I think this should be left to the liberty of the citizens. Let them exercise their own wisdom according to their own needs. If Government should control the quantity of milk or give it according to the needs of the public, I can understand that and beyond that they should not go. I agree with my hon. friend, Mr. Kapoor that the consumption of articles should not be controlled. I am sure if you control the consumption your law will become defective because this Resolution of Parliament does not authorize us to control consumption, it authorizes us only up to the limit of your supply and so up to supply alone we can go and not further.

I would therefore suggest to the hon. Minister that he may be pleased to delete the words "use and consumption". Now it comes to a question of 'use'. I was told by another friend that by the word 'use' the hon. Minister or the Law Ministry was of the opinion that the word "use" meant articles like soda ash or some other thing used in the process of industry. If that is so, that is something which Government must control. Suppose soda ash is obtained on the basis of

your controlled rationing and somebody gets so many tons of soda ash for a particular purpose. Then it is expected that that person who got it uses it for the same purpose for which it was taken. Therefore, there is some justification for the word "use" here in such matters. If the hon. Minister or Government feel like that and want to control those articles of industry which are obtained from the controlling authorities, they may insist that they must be used for the very purpose for which they were obtained. If that is so, then the word 'use' may stand. In that case, I would suggest that an explanation may be given underneath this clause such as: "For the purpose of this clause, the meaning of the word 'use' shall be restricted to the use of an article in the process of the manufacture of another article." Up to that extent Government can control because this is natural. We must control the use of such articles in the process of manufacture of industries. Suppose the use of a bicycle is to be controlled and Government says that it must be used for office purposes and not for private purposes. There are many staff cars in the Government of India and sometimes they are used for private purposes. It is very difficult even for Government to control their own bicycles and cars. I submit, therefore that the explanation of the word "use" may be given, so that there may not be misuse of the word 'use' and it must mean only controlling the use of an article in the process of production in another industry. I do not want to take more time of the House. I hope the hon. Minister will appreciate my difficulty and try to accommodate me.

पंडित नोश्वर दत्त उपाध्याय : श्रीमान् जी, हम जो कानून बना रहे हैं उन का प्रायः रुझान अब कंट्रोल की तरफ़ होता जा रहा है और हम अपनी परेशानियों में यह उचित समझने लगे हैं, और मैं समझता हूँ कि आवश्यक भी समझने लगे हैं, कि कंट्रोल को ज्यादा व्यापक बनाया जाये और जहाँ तक हो सके कंट्रोल का इस्तेमाल किया जाये, जहाँ तक हो सके कंट्रोल का प्रयोग किया जाये। हमारी जो खाद्य पदार्थों की विशेष रूप से परेशानियाँ हैं उन की वजह से हम इस तरफ़ सोचने लगे हैं। इस में कोई सन्देह नहीं कि जब पहले एक दफ़ा यह प्रश्न उठा था

और हमारी ससद् के जो सदस्यगण हैं उन से कपूर साहब ने पूछने का और उन की राय जानने का प्रयास किया था कि आया नियन्त्रण किया जाये या नहीं, कंट्रोल जारी रहे या हटा दिया जाये, तो लोगों का प्रायः यह मत था कि यह कंट्रोल जो है वह दुःखदायी है। लेकिन ज्यों ज्यों स्थिति गम्भीर होती गई और हमारे खाद्य पदार्थों का जो प्रश्न है वह गम्भीर होता चला गया तो हम लोगों ने यह सोचना शुरू किया कि आवश्यक जान पड़ता है कि नियन्त्रण का प्रयोग किया जाये और कंट्रोल जारी रखा ही जाये नहीं तो हम बहुत परेशानियों में पड़ जायेंगे। इस वजह से हमारा रुझान इस तरफ हुआ। और साथ ही वह रुझान बढ़ते बढ़ते अब और चीजों पर भी और सामान पर भी प्रभाव डालने लगा और अब इस रास्ते पर चल पड़ा कि प्रायः हमारे प्रयोग के और इस्तेमाल की जो और चीजें हैं उन पर भी हम नियन्त्रण जारी करें। यह फ्रेहरिस्त जो इस में दी हुई है, उस में चन्द चीजों के नाम हैं, पर उस के बाद यह भी इस के साथ है कि अगर गवर्नमेंट मनासिब समझे तो किसी सामान को इस शिड्यूल (schedule) में जोड़ दे और जिस बिस् चीज पर नियन्त्रण लगाना हो उस को जोड़ती जाये। इस के लिये कोई हद, कोई सीमा नहीं है कि किन किन चीजों को इस में जोड़ा जा सकता है और किन पर लगातार नियन्त्रण लगाया जा सकता है। तो मैं समझता हूँ कि इन खाद्य पदार्थों का कंट्रोल शुरू हो जाने से जो हमारा रुझान कानून बना कर हर चीज के कंट्रोल करन का होता जा रहा है वह सुखदायी और इतना उपयोगी नहीं हो सकता है और आगे चल कर वह ऐसा बन जायेगा कि हमारे जितने प्रयोग के,

इस्तेमाल के, सामान हैं, उन में किसी में भी हमें स्वतन्त्रता नहीं रह जायेगी। यह अवश्य है कि कंट्रोल के कुछ फायदे भी हैं और उन को समझ कर हम लोगों ने यह निश्चित किया था और प्रस्ताव भी पास किया था और उस के बाद जब हम खाद्य पदार्थों के सम्बन्ध में बिचार कर रहे थे तो हम ने यह इरादा किया था कि हम जहाँ तक हो सकेगा नियन्त्रण लगा कर इस देश की हालत को खाद्य पदार्थों के सम्बन्ध में सुधारेंगे। लेकिन इस के यह मानी नहीं है कि अब हम जितने भी सामान हों उन पर इस तरह का नियन्त्रण लगाते चले जायें।

यह नियन्त्रण का जो कानून बन रहा है यह बड़ा व्यापक सा मालम होता है और नियन्त्रण भी बड़ा व्यापक है। यही नहीं है कि सामान की सूची ही व्यापक है, वह चाहे जितनी बढ़ती जाये, बल्कि इस में नियन्त्रण के कानून का जो और व्योरा है वह भी बड़ा व्यापक है। जैसा कि मेरे और मित्रों ने अभी निवेदन किया इस कानून की व्यापकता के सम्बन्ध में यह कानून उस प्रस्ताव के भी बागे चला जा रहा है जो हम ने पास किया था। मैं समझता हूँ यह जो नियन्त्रण की नीति है, हर कानून में, हर सामान पर, और उस की तफसील कंट्रोल के सम्बन्ध में, यह आगे चल कर लाभदायक नहीं हो सकती।

एक प्रश्न जो और अभी हमारे सामने पेश हुआ जिस में कपूर साहब ने कुछ फरमाया और त्यागी जी ने उस का समर्थन किया, और मेरे एक मित्र ने आवाज़ लगाई, कि सप्लाई (supply) के अन्दर यूज (use) और कंजम्प्शन (consumption) भी आ जाता है, तो मैं चाहता

[पंडित मुनीश्वर दत्त उपाध्याय]

हूँ कि इस विषय को तो साफ़ तौर पर समझ लिया जाये। माननीय मंत्री जी जब इस विषय को ले कर बात कर रहे थे तो खुद उन्होंने महसूस किया था कि सम्भवतः वह उस प्रस्ताव के आगे जा रहे हैं और इस वास्ते उन्होंने जो बात की थी उस से जान पड़ता था कि कुछ भिन्नता इन शब्दों में वह समझ रहे हैं। यह बहुत साफ़ है, इस में दफ़ा १३ सी० में यह लिखा है: regulate by licences, permits or otherwise the production, supply, storage, transport, distribution, use or consumption of any goods. अगर मेरे मित्र के कहने के अनुसार सप्लाई में यूज़ और कंजम्पशन आ जाता था तो फिर इन शब्दों का बेकार ही प्रयोग हुआ। इसे बेकार इस वास्ते भी नहीं कहा जा सकता कि माननीय मंत्री जी समझते हैं और सोच विचार कर के उन का ध्यान उस पर आकर्षित हो चुका है कि इन शब्दों का वह प्रयोग कर रहे हैं वह इसलिये कर रहे हैं कि वह आवश्यक हैं। लेकिन वह प्रस्ताव जिस से कि स क़ानून को बनाने का अधिकार प्राप्त हुआ है वह प्रस्ताव हम को यहां तक जाने देता है या नहीं यह प्रश्न हमारे सामने है। और इस पर विचार करते हुए मैं नहीं समझता कि मैं इस के लिये आप का अधिक समय लूँ। मैं समझता हूँ कि जितने शब्द उस प्रस्ताव से अधिकृत हैं उन का तो उपयोग हो सकता है, उन के अतिरिक्त यूज़ और कंजम्पशन शब्दों का जो प्रयोग है वह उस प्रस्ताव से अधिकृत नहीं जान पड़ता। जो प्रस्ताव हम ने १२ अगस्त को पास किया था, जिस से इस भवन को यह अधिकार मिला हुआ है, उस से इन शब्दों के प्रयोग की अनुमति नहीं जान पड़ती। तो ऐसी दशा में यह समझता हूँ

कि हमारा जो नियन्त्रण की तरफ़ रुझान है उस से हम नियन्त्रण के क़ानून को और अधिक लागू करने का प्रयास करते जा रहे हैं, नियन्त्रण को लागू करने के विषय में हम कुछ ज़्यादा तेज़ हो गये हैं, हम ज़्यादा आगे बढ़ गये हैं और ऐसी चीज़ों को भी बिल में लाने का प्रयास कर रहे हैं जिन का कि हम को अधिकार नहीं है।

यह जो क़ानून बन रहा है स का खास पदार्थों से भी कोई सम्बन्ध नहीं है, उन के लिये तो हमारा एक क़ानून अलग ही है। जहां तक उस का सम्बन्ध है मैं समझता हूँ कि वह आवश्यक है। लेकिन जहां तक इन चीज़ों का सम्बन्ध है जो कि इस सिड्यूल में दी हुई हैं, जिन पर फ़िलहाल यह लागू किया जा रहा है, और जिन में गवर्नमेंट जिस को आवश्यक समझे उस चीज़ को जोड़ती जाये, उस से मैं समझता हूँ कि धीरे धीरे इस्तेमाल की तमाम चीज़ें इस में आ सकती हैं। तो मेरे ह्याल में इस को इतना व्यापक बनाना उचित नहीं मालूम पड़ता है, क्योंकि इस में नियन्त्रण का जो ब्यौरा है और उस की जितनी इस के सम्बन्ध की कार्रवाइयां हैं उन को सब को यह कसता जा रहा है। इस से किसी भी मद में ज़रा भी आज़ादी नहीं रह जाती। इस वास्ते इस तरह के नियन्त्रण का क़ानून बनाना मेरी राय में उचित नहीं होगा। हां, इस में संदेह नहीं है कि बहुत से कंट्रोल हमारे लिये आवश्यक हैं और उपयोगी भी हैं, लेकिन कंट्रोल के सम्बन्ध में हमारे देश में जो भावना है उस के सम्बन्ध में जिस तरह हम महसूस करते हैं, अनुभव करते हैं, उस को देखते हुए मैं इस रुझान को अनुचित समझता हूँ, यह नियन्त्रण करने का रुझान, जो हमारे हर क़ानून में और हर बिल में आता जा रहा है ठीक नहीं है।

(English translation of the above speech)

Pandit Munishwar Datt Upadhyay (Uttar Pradesh): Sir, the laws we are enacting show a tendency towards control. Due to our difficulties we have begun to think that it is just or rather necessary that controls should be exercised on a wider scale. Our worries caused by scarcity of food-stuffs have made us think like that. There is no doubt about the fact that once when the question of controls came before the House, Shri Kapoor had tried to ascertain the opinion of the Members of Parliament whether controls should be retained or abolished. The general opinion was that these controls were troublesome. But as the conditions became grave and the food situation became critical, we began to think that controls should be retained, otherwise we may have to face enormous difficulties. We were thus inclined to retain them. Gradually we began to feel inclined towards other things as well and now it has come to such a head that we want to impose control on all things of our daily use and consumption. Names of some articles have been included in this list and it has also been provided that the Government could add other articles to this schedule, if they intend to impose control on them. No mention has been made as to the kind and number of articles which could be added to this schedule and on which the control can continue indefinitely. We seem to be inclined to impose control on every article through legislation, after having made a beginning with foodstuffs. But that cannot be beneficial and in future a stage will come when we could be left with no freedom in selecting articles of our daily use or consumption. Indeed, there are some benefits of controls and it was after giving them due consideration that we had decided in their favour and had passed the resolution. Later, when we were discussing the food situation, we had resolved that we shall improve the food situation in the country by imposing controls. But it does not mean that we can go on imposing controls on all the articles.

It seems that the present Bill regarding controls is a very comprehensive one. It is not for the reason that the articles included are much in number, but the other details regarding controls are also comprehensive. As my friends have just said about this Bill, it is going beyond the resolution which we had passed previously. I think this policy of control on every article and its details, and its incorporation in every legislation will not be beneficial in the long run.

Just now another question came up before the House about which Shri Kapoor made some observations and Shri Tyagi supported him and one of my friends shouted that the word 'supply' includes 'use' and 'consumption' also. Therefore, I want that this matter should be thoroughly understood. When the hon. Minister was discussing this subject, he had himself felt that he was probably going beyond that resolution, and it was apparent from what he said that he was realising the difference in these words. This is, indeed, very clear. The clause 13C states: 'regulate by licences, permits or otherwise the production, supply, storage, transport, distribution, use or consumption of any goods.'

If according to my friend the word 'supply' includes 'use' and 'consumption', then these words were used superfluously. We cannot say so as the hon. Minister knows the position and has used them only after the due consideration about their utility. But the question is whether the resolution which has empowered us to enact such a law allows us to go to that extent also or not. I do not think I should take much time for the consideration of this matter. What I understand is this that we may use those words that are permitted by that resolution, but the words 'use' and 'consumption' do not seem to be permitted by the resolution. The resolution we had adopted on 12th August and which gives this power to the House, does not seem to give permission for the use of these words. Under these circumstances I feel that due to our inclination towards control, as a result of which we are trying to extend it and that also rather speedily we have gone beyond our scope and are trying to incorporate such things also in the Bill for which we are not permitted.

The law that is being enacted has no relation with foodstuffs, for these we have separate legislations. So far foodstuffs are concerned, I consider control to be essential. But regarding the commodities given in this schedule, on which control is being imposed at present and to which the Government may add such commodities as they deem necessary, I think all commodities of use could be incorporated in it. It looks unwarranted to make it so far-reaching because it is tightening up the details of the control and connected activities. That takes away every vestige of freedom. In my opinion, therefore, it would be improper to enact legislation for such a control.

[Pandit Munishwar Datt Upadhyay]

I agree that some of the controls are necessary and are also beneficial for us, but looking to the feeling that endures in our country regarding controls, I hold this inclination towards controls to be unreasonable and its creeping in in every law and every Bill is unfair.

Shri T. Hussain (Bihar): My hon. friend Mr. Tyagi has stated that he supports the Bill in its entirety. I too make a statement that I support the Bill in its entirety. And so Shri Mahavir Tyagi and myself are in agreement as regards that part of the Bill is concerned.

The next point is that Mr. Tyagi says that he is against control. I want to say that I am in favour of control entirely. There we do not agree. I have heard the arguments of my hon. friends Mr. Kapoor and Mr. Tyagi who have spoken at length about control and decontrol. But I submit that this Bill has nothing to do with the principle of control or decontrol, and there should not have been any discussion of this matter, and I entirely agree with you, Sir, that we should not discuss this matter, and in view of the paucity of time we should be as brief and short in our remarks as possible. But I would like to say one word, all the same, about control, because it has been referred to by those who were in favour of decontrol. Why is there control in this country? Why is it that so many things are controlled? The reason is simple. There is scarcity in the country. What can Government do if there is not sufficient food? It must control food. If there is not sufficient food for infants, it must control infant foods, for instance Glaxo and other such things. If there are not enough cycles and bicycle parts, these also must be controlled. There are only two ways, either produce more and if that is not possible, control what you have and...

Ch. Ranbir Singh (Punjab): Does control create food?

Shri T. Hussain: It does not create food, but if you do not have control, then only the rich people can buy the thing and the poor will suffer. We have had that experience in Calcutta where people were dying in lakhs and lakhs. That is what will happen if there is no control. Why has sugar been decontrolled? Because there is now sufficient sugar. As long as there was shortage of it, there was the control on it.

Shri Sidhva: Is there no control on sugar?

Shri T. Hussain: I am told there is none.

Mr. Chairman: The hon. Member started by saying that the question of control should not be discussed at all, but he is doing it.

Shri T. Hussain: But there has been argument about...

Shri J. R. Kapoor: That is how control is smuggled in.

An Hon. Member: What about birth-control?

Shri T. Hussain: I want every kind of control, no matter of what kind provided there is scarcity.

I have only to submit this much. This is a simple Bill, though an important one. It only wants to control the prices of certain important articles which it is essential to control. For instance there is an infants' food. I may give my own experience. There was a time when some kinds of important medicines were not available in the market. When you go to the shop and ask for the medicine, the shopkeeper says, he does not have it. It may be an infants' food. The child may be ill and the shopkeeper says he has none, or even if he has some, he wants a high price for it. What this Bill seeks to do is this. The shopkeeper should keep a list of the articles he has and also the quantity of each and also their price list. Any person coming there can see from the list if the thing he wants is available and he can buy it at the price mentioned in the price list. There is one provision in this Bill which says that if the amount involved is less than rupees ten no memorandum need be issued, unless demanded by the customer, but if the sale is for more than rupees ten a receipt should be issued. I suggest that whatever the amount be the receipt should be issued. Of course there is the difficulty that there are all kinds of sellers, pedlars and hawkers etc. But I feel that some arrangement should be devised to see that a receipt is given in all cases. Mr. Tyagi spoke about the punishment of imprisonment and said that it was too hard. But I am of the opposite view. It is an offence and a serious offence to have a thing and for the merchant to refuse to sell and the punishment should be deterrent and not a light one. Therefore I suggest that the punishment may be both imprisonment and fine so that people may know that if they do this wrong they will be punished severely. It is not as if the Magistrate will deal with all cases alike. If it is a simple case, he can imprison the person for the duration of the rising of the court and give greater punishment if the offence is serious. Therefore, my feeling is

that the punishment of imprisonment should also be there.

I have not anything more to add. As I said, there should be some method devised to see that the purchaser gets a proper receipt from the seller and the articles should be sold at the prices actually fixed by Government.

I support the Bill as it stands.

Mr. Chairman: Ch. Ranbir Singh.

Shri Goenka (Madras): Sir, somebody from this side of the House also may be called.

चौधरी रनवीर सिंह : सभापति महोदय, जैसा मेरे लायक दोस्त त्यागी जी ने कहा कि वह कंट्रोल (control) के खिलाफ हैं, उसी तरह से मैं भी शुरू में ही यह साफ कह देना चाहता हूँ कि कंट्रोल के तो मैं खिलाफ हूँ लेकिन जहाँ तक इस क्रायदे का ताल्लुक है मैं यह समझता हूँ कि यह जो पहले हम ने ऐक्ट पास किया था टेम्पोरेरी एसेन्शियल सप्लाइज ऐक्ट १९४६ [Essential Supplies (Temporary Powers) Act of 1946] यह उस की लगेसी (legacy) है और यह उसी का परिणाम है। आप कोई ऐक्शन (action) करते हैं और उस के परिणाम से बचना चाहें तो ऐसा तो नहीं हो सकता है। हाँ, इस में मुझे एक आपत्ति है और वह यह कि मुझे कुछ ऐसा मालूम देता है कि इस में जो आप ने चीजें रखी हैं उन को दृष्टि में रखते हुए और एसेन्शियल सप्लाइज ऐक्ट के अन्दर भी जितनी चीजें आती हैं उन को रखने का जो दृष्टिकोण है वह ठीक नहीं है, उस से मुझे आपत्ति है। मुझे ऐसी बात मालूम देती है कि गवर्नमेन्ट के ख्याल से यदि कोई आदमी संरक्षण के लायक है तो वह सिर्फ़ शहर के बाड़ से जो कन्जूमर्स

(consumers) हैं वही हैं। इस के अलावा किसी आदमी को किसी चीज के संरक्षण की आवश्यकता नहीं है। मैं अभी आगे चल कर अपने आनरेबल मिनिस्टर साहब को बतलाऊंगा कि जहाँ तक मैं समझता हूँ आज की आर्थिक दशा के हिसाब से बहुत जरूरी था कि वह इस में वह चीजें शामिल कर लेते जो उन को बहुत पहले शामिल कर लेनी चाहिये थीं। लेकिन आज भी उन का इस बिल के अन्दर नाम निशान नहीं है। मैं अपने आप को और दूसरी चीजों की तरफ़ नहीं ले जाना चाहता लेकिन जितना भी मैं इस सिलसिले में कहूँगा वह इसलिये कि जो मैं ने अपना दृष्टिकोण आपके सामने रखा है उस के द्वारा आप को समझा सकूँ और आप को सहमत कर सकूँ। इसलिये मुझे कुछ ज्यादा बातें कहनी पड़ेगी, मैं शुरू में ही सभापति महोदय से प्रार्थना करता हूँ कि यदि उन को मेरे कथन के सम्बन्ध में रिलेवन्ट (relevant) या इर्रिलेवन्ट (irrelevant) का फ़ैसला देना पड़े तो इस बात को ध्यान में रखते हुए दें। जो कुछ मैं ने कहा वह इस लिये कि हम आज ऐसी आर्थिक दशा में हैं जिस पर हमें गम्भीरता से सोचना पड़ेगा। अभी मेरे लायक दोस्त उपाध्याय जी ने जो कुछ कहा उस से मैं ने जो उन का दृष्टिकोण समझा है वह यह है कि सिर्फ़ खाद्य की जो चीजें हैं उन के ऊपर कंट्रोल जरूरी है, दूसरी चीजों पर कंट्रोल होने से उन को आपत्ति है। मैं समझता हूँ कि उन का यह दृष्टिकोण गलत है। और आज जो आर्थिक दृष्टिकोण होना चाहिये यह उस के बिल्कुल विपरीत है। आज अबरया यह है कि हम अपने देश की आर्थिक स्थिति को तब तक नहीं सुधार

[चौधरी रनबीर सिंह]

सकते जब तक कि हम अपने खेतों की पैदावार को न बढ़ायें। और खेत की पैदावार आप तब तक बढ़ा नहीं सकते जब तक आप की सारी इकानामी कंट्रोल हो या न हो या तो आप डिक्ट्रोल कीजिये जिस से कीमतें अपने आप मुकरंर होती रहेंगी, और अगर आप कंट्रोल ही जरूरी समझते हैं तो यह न सोचिये कि फ़ूड का कंट्रोल करना तो ठीक है और उस से आगे जाने से आपत्तिजनक बात होगी। मैं समझता हूँ कि यह दृष्टिकोण सही नहीं है। यह Mercantile economy का उमूल है कि अगर आप सप्लाई (supply) बढ़ाना चाहते हैं और ज्यादा प्रोडक्शन (production) कराना चाहते हैं, तो Marginal प्रोड्यूसर की कास्ट प्राइस (cost price) का भी आप को ध्यान रखना चाहिये जब आप उस की चीज की कीमत मुकरंर करें। तो मैं आप से यह कह रहा था कि जो उपाध्याय जी ने कहा है मैं इस से बिल्कुल बिपरीत ढंग से सोचता हूँ। मैं आप से यह प्रार्थना पहले ही कर चुका हूँ कि मैं डिक्ट्रोल के हक में हूँ, लेकिन अगर आप कंट्रोल करना चाहते हैं तो यह बात चलने वाली नहीं है कि फ़ूड आर्टिकल्स (food articles) का तो कंट्रोल हो और बाकी चीजों का डिक्ट्रोल रहे। इस न्यायकारी सरकार के लिए यह बात ठीक नहीं है। आप ने इस लिस्ट में जिन चीजों को रखा है उस से तो यही जाहिर होता है कि केवल कुछ आदमियों के दृष्टिकोण का ख्याल किया गया है। आप देखिये कि बाइसिकिल है। यह आम तौर पर मिडिल क्लास (middle class) के आदमियों की जरूरत की चीज है। इलेक्ट्रिक बल्ब्स (electric bulbs) हैं, वह भी मिडिल क्लास के आदमियों की जरूरत की चीज है। कास्टिक सोडा (caustic soda), सोडा

ऐश (soda ash), टैनिंग मैटीरियल (tanning material) और रा रबर (raw rubber) यह बिल्कुल इंडस्ट्री के लिए हैं। टैनिंग मैटीरियल वगैरह को आप ने रखा यह अच्छा है क्योंकि यह काटेज इंडस्ट्री (cottage industry) के लिए भी जरूरी चीज है। कुछ बड़ी इंडस्ट्रीजें (industries) की भी जरूरत की चीजें हैं। लेकिन मैं समझता हूँ कि आप ने जो नम्बर ७ रखा है वह बहुत ज्यादा इफ़ेक्टिव (effective) नहीं होगा। तो मैं आप से यह कह रहा था कि आप जो कंट्रोल करें वह एक सेक्शन (section) के लिए नहीं होना चाहिये। अगर हम इस के लिए मजबूर हुए हैं कि हम अपनी इकानामी को कंट्रोल रखें तो हम को उन सब परिणामों को ध्यान में रखना चाहिये जो कि इस की वजह से हो सकते हैं। आप ने पहले ऐक्ट (Act) में फ़ूड आर्टिकल्स (food articles) पर तो कंट्रोल किया पर पैदावार बढ़ाने के लिए कोई ऐसी चीज नहीं रखी जिस से कि पैदा करने वाले भी समझ सकें कि यह कानून उन क फ़ायदे के लिए भी बनाया गया है। मिसाल के लिए आप ट्रैक्टरस (tractors) को ही लीजिये। जिस वक्त डिवैल्यूएशन (devaluation) हुआ तो जो ट्रैक्टर हार्ड करेंसी एरिया (hard currency areas) से आते थे उन का दाम ४० पर सेंट (per cent.) बढ़ गया। लेकिन जो ट्रैक्टर साफ़्ट करेंसी एरिया (soft currency areas) से आते थे उन को तो उसी दाम पर बिकना चाहिये था, पर मात्र वह भी तक़रीबन ४० पर सेंट ज्यादा दाम पर बिक रहे हैं। दूसरी चीज जो है वह डीजिल आईल (diesel oil) के छोटे छोटे इंजन (engines) और कुओं में लगाने के इलेक्ट्रिक मोटर (electric motors)

हैं। आज उन पर कोई कंट्रोल नहीं है। मैं समझता हूँ कि उन को इस लिस्ट के अन्दर लाना चाहिये था। अगर आप बिल्कुल डिक्ट्रोल करना चाहते हैं तो दूसरी बात है, लेकिन अगर आप कंट्रोल इकानामी रखना चाहते हैं तो यह उसूल आप को अपने सामने रखना चाहिये कि उन चीजों पर भी कंट्रोल किया जाये जो कि हमारे देश की आर्थिक स्थिति को अच्छा बनाने के लिए जरूरी हैं और दूसरा उसूल यह कि जो भी आप करें वह प्रैक्टिकल (practical) हो। हम को ऐसी चीजों को कंट्रोल नहीं करना चाहिये जैसा कि अभी गूड का कंट्रोल किया गया था और जिस से कुछ भी लाभ नहीं हुआ। तो मेरी प्रार्थना यह है कि अगर आप कंट्रोल करना चाहते हैं तो कंट्रोल बेशक कीजिये पर ऐसा न कीजिये कि जैसा कि कपड़े पर हुआ कि पहले कंट्रोल हुआ, फिर डिक्ट्रोल हुआ, फिर कंट्रोल हुआ और फिर डिक्ट्रोल हुआ। यह अदल बदल बहुत अच्छी चीज नहीं है। जो पालिसी आप बनायें उस को फर्मली (firmly) चलायें। आज त्यागी जी ने बतलाया कि मिनिस्टर साहब ने कहा था कि वह इस कंट्रोल को स्वीटली (sweetly) और सेफली (safely) चलाना चाहते हैं। मेरा एडिशन (addition) यह भी है कि आप इस को फर्मली चलाइये। स्वीटली और सेफली चलाने की जितनी जरूरत है उससे ज्यादा जरूरत इस को फर्मली चलाने की है। जो पालिसी (policy) आप बनायें उस को आये दिन चेंज (change) न कीजिये। मैं यह जानता हूँ कि डिमाक्रेसी (democracy) की यह लिगेसी (legacy) है कि कोई गवर्नमेंट किसी चीज को ज्यादा दिन तक नहीं रख सकती। उस का दृष्टिकोण प्रेस (press) और दूसरी चीजों से प्रभावित होता रहता है। जो मुख्य इंटरैस्ट (interests) हैं वह अपनी आवाज

उठाते हैं और गवर्नमेंट को प्रभावित करते हैं। मैं समझता हूँ कि डिमाक्रेसी में यह असर होनी जरूरी होता है, पर आप इस असर को कम से कम होने दीजिये मेरी आप से यही प्रार्थना है। तो मैं आप से यह अर्ज कर रहा था कि आप को इस के अन्दर एग्रीकल्चरल इम्प्लीमेंट्स (agricultural implements) को एड करना चाहिये। शायद आनरेबुल मिनिस्टर साहब इस के लिए कह दें कि इस पर छोटा मोटा कंट्रोल है। मिसाल के तौर पर लोहे पर कंट्रोल है। तो जो आदमी कारखाने में इम्प्लीमेंट बनाता है उस को तो लोहा कंट्रोल प्राइस पर मिल जाता है और लोहा कारखाने तक तो कंट्रोल के हिसाब से पहुंच जाता है, लेकिन उस के आगे क्या होता है उस के ऊपर कोई ध्यान नहीं दिया जाता। पंजाब में भी इस के बारे में किस्सा छिड़ा था। तो मेरी आप से यह प्रार्थना है कि कंट्रोल की जो भलाई या बुराई है वह आखिरी हद तक जानी चाहिये। सिर्फ आप यह न समझें कि शहर के आदमी ही कंस्यूमर्स (consumers) हैं। देहात के अन्दर भी आप की चीजों के कंस्यूमर्स बसते हैं। मैं समझता हूँ कि अगर किसी को संरक्षण की आवश्यकता है तो यह वही लोग हैं। न उन के पास कोई प्रेस है और न उन के पास कोई ऐसा आरगैनाइजेशन (organisation) है जो उन की जरूरतों के मुतालिक आवाज उठा सके। इसलिये संरक्षण की आवश्यकता उन लोगों को ही है। मैं समझता हूँ कि उन लोगों को संरक्षण देने से आप उन की ही भलाई नहीं करेंगे परन्तु इस से आप के दृष्टिकोण को भी लाभ होगा कि ज्यादा चीजें पैदा हों क्योंकि वह चीजें तभी पैदा हो सकती हैं जब आप उन की समस्याओं को अच्छे ढंग से हल करें। तो जहां तक कंट्रोल का वास्ता है मैं तो यह चाहूंगा कि इस

[श्रीधरी रनबीर सिंह]

लिस्ट के अन्दर आप ट्रेक्टर और उस के स्पेअर पार्ट्स (spare parts) को बढ़ायें, एग्रीकल्चरल इम्प्लीमेंट्स को बढ़ायें और पम्प्स (pumps) बढ़ायें और डिजिल तेल के इंजन बढ़ायें, और छोटे छोटे इलेक्ट्रिक इंजन बढ़ायें जो कि कुओं से पानी उठाने के लिए इस्तेमाल होते हैं।

तो मैं अब ज्यादा समय हाउस का नहीं लेना चाहता। एक बात और आखिर में कहना चाहता हूँ। मेरे लायक दोस्त त्यागीजी ने तीन साल का जिक्र किया। यह भी मुझे अच्छी तरह से याद है कि त्यागीजी ने जिस वक्त यह एसेन्शियल सप्लाइज ऐक्ट (Essential Supplies Act) 1 अमेंडमेंट (amendment) हो रही थी उस वक्त जब मियाद ७ साल की जा रही थी तो मुखालिफ़त की थी। तो उन का वही दृष्टिकोण हो तो मैं उस को समझ सकता हूँ। किन्तु मैं समझता हूँ कि यह जो तीन साल और सात साल की हद है यह डिस्क्रीमिनेशन (discrimination) नहीं होना चाहिये। अगर आप को सात साल रखना है तो सब के लिये रखिये। लेकिन एक कपड़े का बड़ा भारी ब्यापारी हो उस के लिये तीन ही साल हो और अनाज किसी के पास ५ मन या जो मुदाब मुकरर है उस से दुगुने से कुछ ज्यादा मिल जाये तो सात साल रख दें तो वह यह डिस्क्रीमिनेशन नहीं होना चाहिये। इस में एक बात यह भी है कि वह बड़े बड़े आदमी होते हैं, वह तो आप के क़ानून के लिये कई बार हाई कोर्ट और सुप्रीम कोर्ट तक ले जाते हैं जिस से कि आप का क़ानून उन पर असर न डाल सके। लेकिन वह अनाज वाले तो बेचारे ग़रीब आदमी हैं उन के पास इतने फ़ायनेन्सेज (finances) भी नहीं हैं कि वह हाई कोर्ट (High Court) या सुप्रीम कोर्ट

(Supreme Court) में जा कर अपने लिये कोई रीड्रेस (redress) पा सकें। उन के लिये कोई संरक्षण की जगह है तो यही हाउस है। तो आखिर में मुझे इतना ही आप से कहना है। मेरी तो इच्छा है कि उस सात साल को आप घटा दीजिये, लेकिन अगर घटाते नहीं हैं तो कम से कम डिस्क्रीमिनेशन तो नहीं रहना चाहिये।

(English translation of the above speech)

Ch. Ranbir Singh: Sir, as my learned friend Shri Tyagi has said, that he is against controls, I would also like to make it clear in the very beginning that no doubt, I am opposed to controls but so far as the present Bill is concerned, I think it is a legacy and result of the Essential Supplies (Temporary Powers) Act of 1946 which we passed some time ago. If a person does a certain thing he cannot escape its consequences. It seems to me that the view-point from which these articles have been included in this Bill and also in the Essential Supplies Act is not proper. I object to it. The Government seems to think that only a small section of urban consumers should be protected and that no other person needs protection regarding any commodity. I will just point out to the hon. Minister that, as far as I think, in view of the present economic situation he should have included all those articles which should have been included long before. But they have been totally ignored even in this Bill. I do not want to deal with any other point but whatever I will submit in this connection will let the Government understand my view-point so that they may agree with me. For this I will have to say many things and therefore I request, Sir, to take this point into consideration before deciding the relevant or irrelevant portions of my statement. I have submitted all this in view of our present economic situation which requires serious consideration on our part. I could understand the point of view of my friend Shri Upadhyay. He holds that control is necessary only on articles of food and is opposed to controls on all other commodities. I think he is wrong there.

It is entirely against the economic standpoint as it should have been today. The position at present is that we cannot improve the economic position of the country until we increase our agricultural production, and agricultural production cannot be increased unless the whole economy is

controlled or there is no control at all. Either the Government should resort to decontrol when prices would get fixed of their own accord or, if they consider control to be essential they should not be under the illusion that food-control is all right but to go beyond that would be inexpedient. I do not consider this point of view to be a correct approach. It is a principle of mercantile economy that if you want to increase the supply and produce more, the cost price of the marginal producer must also be taken into consideration while fixing the price of the thing. I am in entire disagreement with what Shri Upadhyay has said. As I have already said before, I am in favour of decontrol, but if the Government want to impose control, the policy of imposing controls on food articles only and decontrolling others cannot be successful. It is not proper for a just Government like the present one. The commodities that are enlisted go to show that only the interest of a few persons has been taken into consideration. Just take the case of bicycle. Generally it is used by the middle-class people. The same is true about electric bulbs. Caustic soda, soda ash, tanning material and raw rubber are meant entirely for industrial purposes. This is rather good that the Government have included tanning material in the list for it is an important item for cottage industries also. There are some commodities which are of use to the large scale industry also. But, I believe, that inclusion of item No. 7 in the list would not be very effective. I have always held that controls should not be for a section only. If we have been compelled to resort to a controlled economy, we must also be careful towards the results that may follow as a consequence. While the Government in pursuance of the former Act controlled the articles of food, they did not make any provision to stimulate production so that the producers could feel that the law was advantageous to them also. Tractors may be taken for instance. The price of the tractors that used to be imported from the hard currency areas went up by 40 per cent. after devaluation. But the tractors that were got from the soft currency areas are also selling today at about 40 per cent. higher rate while their prices should have remained unchanged. Other commodities that are not controlled are small diesel engines and electric motors for wells. I think they should have been brought on the list. If the Government want complete decontrol then, it is another thing, but if they want to retain a controlled economy, they must make it a principle to control those commodities also

which are essential to bring about an improvement in the economic position of the country and, secondly, whatever the Government do should be practical. Control should not be imposed on such commodities where it does no good just as it happened recently in the case of control on *gur*. Let there be control if they want to, but not in the manner in which it was done in case of cloth where there was control first, then decontrol, control again and then decontrol again. This rotation is not good. The policy once formulated must be firmly implemented. As Shri Tyagi told us today, the hon. Minister had said that the Government wanted to pursue the policy of control sweetly and safely. My addition to this is that they must pursue it firmly also. The need to pursue it firmly is more imperative than to pursue it sweetly and safely. The policy once formulated should not be subjected to changes every now and then. I know it is a legacy of democracy that no Government can retain a particular order of things for long. Their viewpoint is affected by press and other things. Vested interests also raise their voice and influence the Government. This effect, I suppose, is inherent in democracy, but I request the Government to minimise that effect. So I was submitting that agricultural implements must be added to the list. The hon. Minister may probably declare in this regard that there is already a sort of control over them, for instance, there is control over iron. The man who manufactures implements in the factory does get iron on control rates—the controlled iron reaches the factory all right—but what happens beyond that stage nobody cares to know. In the Punjab too, this issue was raised. My submission is that the virtue or vice of the control must be followed to the conclusive end. They must not be under illusion that only the city people are consumers. These commodities are also consumed by people living in villages. I feel that if facilities are needed for anybody these are the very persons. They have neither press nor any organisation to take up their voice. Hence it is they, as a matter of fact, who need facilities. By extending facilities to them, the Government would not only be doing good to them but would also be gaining their own objective of greater production since they can produce more only when you solve their problems with the right perspective. Thus, so far control is concerned, I would like that tractors and their spare parts, agricultural implements, pumps, diesel engines and small electric engines used for lifting water from wells may also be added to the list.

[Ch. Ranbir Singh]

I do not wish to take more time of the House. I would like to submit one thing in the end. My able friend Shri Tyagi had referred to the three years' period. I also remember well that while the Essential Supplies Act was being amended and the period was being extended to 7 years, Shri Tyagi had opposed it. If his is the same point of view now also, I can well understand him. But I think the discrimination regarding the periods of three years and seven years should be done away with. If they want to keep it seven years let it be seven years for all. But the discrimination of providing only three years for a big cloth merchant and seven years for one, who has more than five maunds or a little more than double the amount, should not be there. Moreover big persons take their cases to High Court or Supreme Court in order to save themselves from the clutches of law, but these cultivators are poor people who have not got sufficient finances to go to High Court or Supreme Court for redress. Only this House is the place of their protection. So in the end I have only to submit that either the Government should reduce the period of seven years, or if they do not, at least this discrimination must be done away with.

Shri B. K. P. Sinha (Bihar): I am in perfect agreement with the policy of control, and I feel that especially in regard to the commodities whose production, supply and prices are now sought to be controlled, the necessity for control is rather great. But while I feel that we should have a policy of control, I am also conscious that controls are not working satisfactorily. Rather, they are respected more in the breach than in the observance. What shall our policy be in the circumstances? Shall we throw away the baby along with the bath water, or shall we throw away the bath water and preserve the baby? When we are forced to live in conditions of scarcity, when things are in short supply, there is no option for Government but to pursue and pursue steadfastly a policy of control.

But then we have to look to the causes which lead to the nullification of the policy of control, of the policy of fixation of prices. The causes are, I must say with some grief, the low standard of morality observed in our country, and a rather undeveloped sense of civic consciousness. In those countries where controls have been successful, and admirably successful, people have a high standard of morality, and they have a highly developed sense of civic consciousness. We don't have that in India. More-

over, we are operating in a particular *milieu*, a *milieu* predominantly of private property. In such an atmosphere, in such an economy, people have a tendency to violate laws and amass wealth, for, wealth, howsoever ill-earned, brings with it social recognition, fame and sometimes political power. That is why I feel that if we want to make controls successful we should to a great extent modify the system in which we are operating. We should advance towards the socialist goal in a well-planned manner and on a wide front. Unless we substitute a socialist *milieu* for this capitalist and private property *milieu*, it is my conviction that controls cannot be successful, especially in a country like India where there is so much of ignorance, and where the standard of morality is not very high.

But if we wait for that day, I am afraid we may have to wait for long. And things don't stop—they go on in spite of us. I have always felt that if Government were to pay the same attention to things which are nearer to them than deal only with producers or manufacturers, things would improve in a short time and improve admirably. It is my experience that very often the mischief starts at the executive end of the stick. It is not enough only to punish dealers, manufacturers or producers. There must be a law to punish people who, in virtue of the executive offices they hold, amass a large amount of wealth. I come from a small town where I have seen during the past six or seven years—the period for which controls have now been in operation—big palaces being built by people who get salaries of Rs. 50 or Rs. 60 a month in their offices, but who spend over their buildings fifty or sixty thousand rupees. These people amass huge fortunes. Therefore, unless we pay attention to this side of the question things will not improve because the mischief starts from here. If we really want to stop black-marketing and really want to check the violation of control and supply measures, we should have legislation for punishing the guilty among these people. I am reminded in this connection of the bullock cart rim affair. There was a control on bullock cart rims. And there was a small violation of it in my town. People in power—not exactly the people in power, but rather the subordinate officials—made it a pretext for enforcing a certain rule. They made it obligatory on everybody to run to the Patna Secretariat to obtain a permit for bullock cart rims. They fixed certain days in the week for certain districts. It cost five or six rupees to purchase that rim but it took sixty

rupees or more to go to and fro Patna. Sometimes the day fixed for a certain district was Tuesday and a villager from that district arrived there on Wednesday. He was told that his turn was on Tuesday. He had either to wait till the next Tuesday spending quite a lot of money in a city, or else he had to return to his village and reappear in Patna on the next Tuesday, also spending quite a lot. The result was that few needy people could obtain those rums. A clique or a gang was created which obtained all the permits and then indulged in black-marketing it. Similarly, the G.I. pipe scandal is very well-known. People who were really in need of these pipes could not get them whereas pipes were given to those who did not need them. There was no effective control either on supply or on price.

Therefore, I say that we should pay more attention to the executive side of this problem. If we try to curb these people, try to control them,—and it is my conviction that it is not difficult to control them—then I am sure all your control measures shall be, if not 100 per cent. at least 75 per cent. successful. In this very connection I would like to draw the attention of the hon. Minister to another affair. I went to a shop to buy something but when I found he was charging me a very high price I asked him why he was doing that. He said he had no other option. He said, "When I have to go to the officers, I have to go fifty times to them. That puts me to some cost. Moreover, I have to grease their palm. Then the Government gives me a very small percentage of legal profit. By that profit I cannot live. Therefore, I have to resort to black-marketing. I have to violate ceiling prices." If the hon. Minister therefore pays the same attention to this end as he has been paying to the dealer and producer end, things are likely to improve in a short time.

5 P.M.

I now come to the question of raw rubber. The hon. Minister said that there are laws already to deal with the fixation of prices of raw rubber. That is all the more reason why I feel that I should bring certain things to his notice. The feeling in the areas affected by the fixation of raw rubber prices is that the measures taken by Government are not consistent with the interests of the producers of raw rubber. The price of rubber goods is not controlled. The rubber goods are therefore fetching a very good price, while the raw rubber producers are having a lean time. The prices in the world market are three or four times higher than the prices of raw rubber in India. There is no reason why the

producers should not get the benefit of the higher world prices. The rubber producing industry is in a bad way. It has not been developed with the same speed with which it was developed ten years ago and this is due to the stringent measures imposed by Government in regard to raw rubber price. If some latitude is given in the matter of price fixation,—if prices are fixed at a higher rate,—these producers will get some amount of money more, and that they will certainly put back that money in the development of their rubber estates. It has been our past experience that whenever prices have gone up, these rubber estate owners have extended the acreage under cultivation. Rubber today is in short supply in India. We produce only three-fourths of what we need. With the development of the country during the next three or four years, our needs are going to double themselves. We need at present 20,000 tons. In three or four years, time, we are going to need 40,000 tons, and if at this juncture we do not take steps to extend our acreage, I am afraid our whole industrial expansion will come to a dead stop. That is why I think it is necessary to give a higher margin of profit to the producers. No doubt, Government came to the rescue by controlling the prices when the times were lean from the producers' point of view, but that is no argument why they should not permit them now to have a good time when the world prices are rising. Moreover, Government need not have any anxiety about inflation. Even if they get the full price which the other rubber producers in the world are getting, the inflation would be only to the extent of Rs. 2½ crores, while, if we look at other commodities, the inflation is much higher even if a small percentage of them is permitted to be sold at world prices. When Government have not put a ceiling over these prices, there is no reason why there should be a special treatment so far as the poor raw rubber producer is concerned. Moreover, at least one-third of the rubber producers have not been getting for the last three years the prices that they ought to have got under the price control regulations. In the Report on Marketing Organisation of rubber, the Indian Rubber Board, which is a Government-sponsored organisation, has itself admitted on page 8 of the report that the small producers—and 30 per cent. of the total acreage remains with the small producers—have not been getting the control prices. So many hindrances have been put in their way. There is absence of fair grading. They have not been able to sell certain grades because of that. Now, if they have

[Ch. Ranbir Singh]

not been getting the prices which they are expected to get, why should you go on controlling the price when they can get a better price in a free market? Government can devise a machinery to keep the excess money which these people would be getting. They can release that money only if the rubber producers are ready to proceed with the development of their estates. This is a means by which, while the raw rubber producers will get a higher price immediately, Government will be ensuring for the future that the rubber producing industry will expand and the industrial needs of the country for rubber would be met. I hope that the hon. Minister would expeditiously consider this whole question of raw rubber prices, and if he does not see his way to decontrol the prices of raw rubber, I hope that he will at least see that these raw rubber producers get an adequate price. There is no use harping on the fact that there is a stock-piling going on and when it is over the demand would go down. I may assure the hon. Minister that the raw rubber prices are not likely to go down at least for the next five years and in the meantime, if no steps are taken, the raw rubber producers of India would be incurring a heavy loss and they would not be able to expand their plantations. That is why I again stress this point: either decontrol raw rubber prices, or at least ensure the raw rubber producers a price substantially higher than what they are getting at present.

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

"That the question be now put."

Mr. Chairman: The question is:

"That the question be now put."

The motion was adopted.

Shri Mahtab: I am really surprised that on this occasion the question of control versus decontrol has been raised. It has been said that popular opinion is against control. So far as I have been able to ascertain popular opinion, it is for obtaining goods at a reasonable price. I do not think that this can be described as "decontrol". In spite of so much discontent on account of non-availability of consumer goods, if there is peace in the country it is because of the system of control which is prevailing. Otherwise, there would be riots and lawlessness everywhere as was the case in 1948. Now, I would make a sporting offer to my hon. friend Mr. Jaspal Roy Kapoor, namely, that when we come out of the House I shall put to him

five questions and at the end of those five questions, he will say that control is necessary. I make bold to say that.

Shri Kamath (Madhya Pradesh): Put them here in the House.

Shri Mahtab: If an occasion arises for it, I will do so, but this is not the occasion for it. The hon. Speaker has already ruled that that point should not be discussed here, although most unfortunately control and decontrol are working in our sub-conscious minds. Whenever we are discussing anything, they come up and our reason also is being affected thereby.

Shri J. R. Kapoor: I hope the hon. Minister, when putting me questions, will have an open mind on the subject and will agree to be convinced himself.

Shri Mahtab: I am not a dogmatic person either for decontrol or for control. Whatever is good in the interests of the country in the existing circumstances must be accepted, and a thing should not be described as bad because of some predilections of ours.

Shri Kamath: The hon. Minister says that our reason is being affected. Whose reason? Does he refer to the Members including himself?

Shri Mahtab: Including the hon. Member also, and the other Members here.

Now, some points have been raised. I have carefully gone into them. So far as the quantum of punishment is concerned, it has been suggested that it is very small and at least one Speaker said that it is far less than what is required. So far as punishment is concerned, it should be left to the courts to decide, judging by the circumstances in which a particular offence has been committed. It is very difficult for the House to judge and visualise every circumstance. If there are extenuating circumstances, the courts will come to the conclusion that a simple fine or a small period of imprisonment would do. If there is a serious offence, they would impose a heavy sentence. We must therefore rely on the courts to judge the offence of the culprits. If one were to go on visualising the circumstances in which offences can be committed, one is likely to enter a blind alley and will not be able to find one's way out.

Shri A. C. Guha (West Bengal): If the clauses of the Bill fix a maximum punishment, how can the courts go beyond that?

Shri Mahtab: My hon. friend, who has got some experience of jail life will agree with me that three years'

punishment is as good as four years, or four years as good as five years. And one who can bear three years' imprisonment, can easily bear four years punishment. Therefore, I feel that no useful purpose would be served by entering into hair-splitting distinctions with regard to the number of years.

Shri Tyagi: It was quite another case in the case of political prisoners, because there were released by amnesties. The ordinary convicts have to pass their whole term.

Shri Mahtab: In any event, hon. Members will agree with me that the class of persons for whom this law is meant will be properly dealt with if this punishment is properly administered by the courts. There should be no doubt about that. In regard to offences relating to non-essential commodities we have provided for smaller punishments and in regard to offences relating to essential commodities we have provided for heavier punishments.

My hon. friend **Shri Jaspat Roy Kapoor** raised a very ticklish point regarding Constitution. My hon. friend is a lawyer, which I am not; therefore, I have got an open mind. According to him the words "use or consumption" should not be there. So far as I can see it will not hit the Constitution in any way. He has suggested that the Supreme Court might set it aside. Not being a lawyer the Supreme Court is not an object of scare for me and I can circumvent it in any way I like. Being a lawyer he always sees the Supreme Court whenever he comes to consider any Bill or any subject.

So far as the practical consideration of the question is concerned, as I have already told the House, the words "use and consumption" are more or less the same and I am prepared to accept the amendment that the word "or consumption" may be omitted, but the word "use" must be there, because there are several articles which are used for various purposes. Take the case of caustic soda, soda ash.....

Shri J. R. Kapoor: I did not say that the word is unnecessary. What I was submitting was that even the use of the word "use" in this Bill is beyond the scope of the resolution.

Shri Mahtab: It is not the word that matters. Production and supply implies use and consumption. To me it is very clear. I do not think it will ever hit the Constitution.

As I was saying, take for instance the case of soda ash. Supposing there is a complaint on behalf of the *dhobies*

that they require soda ash for their work. A State Government can issue an order that so much quantity should be set apart for *dhobies* for their consumption. Otherwise they cannot do it. But since, it has been taken to mean as if it has something to do with food-stuffs, I am prepared to withdraw that word "or consumption", but the word "use" should be there. So far as our legal advice goes, it will not in any way go against the Constitution.

Another point which Mrs. Durgabai is likely to raise is the life of this Act.

Shrimati Durgabai: I would like the hon. Minister to throw some light on clause 21. That clause says that the Central Government may, by notified order, exempt any person or any goods or class of goods from all or any of the provisions of this Act, or of any order made thereunder. We can of course understand goods being exempted; but we would like to know who are these privileged persons who are sought to be exempted by this provision. There is already a feeling among some of us, who had no opportunity to speak, that this provision might be used to show favouritism to some persons. I would, therefore, like the hon. Minister to throw some light on this and also to assure the House that this provision will not be used to exempt persons not deserving; or at least tell the house the class of persons who are sought to be exempted.

Shri A. C. Guha: On this particular point, I have tabled an amendment, wherein I have asked for the deletion of "any person"; or at least to substitute the words "any class or category of persons". That may mean something reasonable; but if you simply put "any person" under it any individual may also be exempted.

Shri Mahtab: In legal terminology, a person does not really mean an individual. I will give you a practical case. Supposing there is a restrictive order on the disposal of Horlicks and we want to exempt a charitable institution from that order.

"Person" does not necessarily mean an individual; in legal terminology it means a municipality; it means a district board; it means a charitable institution; or it may even mean a charitably disposed person.

Shrimati Durgabai has asked for an assurance from me. I can assure the House that all attempts will be made and all steps taken to see that none of these clauses is abused in any possible way. The administration of this law lies with the State Governments, and whenever there is any complaint of

[Shri Mahtab]

abuse of any of its provisions, the hon. Members have got ample opportunity to raise that question here and to make the life of the Minister hell. But we should not go so far as to think that this provision is made with a view to showing favouritism to any individual or any class of persons. As I told the House earlier, we have copied this from the previous laws.

Shri Sidhva: The intentions of the hon. Minister are good, no doubt, but what about the officials.

Shri Mahtab: So far as the officials are concerned, let us not put this idea into their mind. Let us presume they will work honestly. If any of them does any wrong it is up to us to take action against him. ♦

Shri A. C. Guha: Our past experience cannot give us the confidence that the provisions in the Bill will not be abused.

Shri Mahtab: One of the hon. Members suggested that the morality of our people is low in comparison with the people of other countries. I have made a study of the working of controls here as well as elsewhere, and barring one or two countries, we compare very favourably with other countries. Let us also not think that officers here are not working well, while in other countries they are doing very satisfactorily. Controls everywhere are irksome and difficult to administer. We talk much about black-marketing. Has any of the hon. Members taken the trouble of calculating how much of the total produce goes into black-market? It is a fraction of the total production. The major portion of the goods does not go to the black-market. The major portion goes to the open market and a small portion goes to the black-market. The difficulty arises because we make much of that small portion which goes to the black-market and ignore that which goes into the open market, in a general way. Take the case of any article. I would request hon. Members to make a personal investigation into the matter. Wherever any report of black-marketing in any goods come to their notice, let them take into consideration the total amount of goods, how much has gone into the black-market and how much remains in the open market.

Ch. Ranbir Singh: May I know about *gur*, how much of it has gone into the black-market?

Shri Mahtab: In any goods the major portion goes into the open market and a very small portion goes into the black market. But that should not be any consolation to Gov-

ernment or to Members, and we should strive to see that nothing goes to the black-market. That should not however, lead us to believe as if we are a very immoral people and as if our officers are going always wrong. That should not be the case and that should not be our psychology. It is only to emphasize that we should have the correct frame of mind in these matters that I am suggesting these things to the House. Let us not feel that we are behaving much worse than many other countries. As a matter of fact we are better than many other countries. Barring one or two countries we are much superior to other countries so far as public morality is concerned.

I have nothing more to say. I have already moved an amendment accepting and incorporating amendments Nos. 12 to 17 in the list, with regard to the corresponding section of the Criminal Procedure Code in Part B States, and I hope the House will accept the amendment. I also accept the amendment that the word "consumption" should be omitted—I think Mr. Tyagi has put in that amendment. As regards other amendments, if some of the amendments are accepted I think it will be very difficult to carry on administration. Some of the amendments will really hit the very purpose of this law also. Some of the amendments suggest that we should direct how the State Governments should administer this law. Take the case of the amendment which provides that the reports should be made to the sub-inspector of the nearest police station. We do not know what arrangements the State Governments have. It is possible they have their Supply Officers in various places. So far as I am aware, in most of the States the police organisation has nothing to do with the supply and distribution of goods. They have a separate organisation. Therefore, if we direct them to connect this control on supply and distribution of articles to the police organisation, we will put the State Governments in a very wrong position. I would therefore most earnestly request the House to take into consideration all these factors and pass this Bill as quickly as possible.

Shri T. N. Singh (Uttar Pradesh): I want to ask a question. With regard to the Schedule I find that there are certain articles which are meant as supplies to certain industries and there are certain articles which come in for direct consumption by individuals or persons generally. Now, I want to know firstly whether this list in the Schedule is comprehensive or is only as an illustration. Secondly, is it intended to cover both the raw materials meant for industrial use and also articles for general consumption?

Shri Mahtab: I would give the instance of 7 o'clock blades. The price of 7 o'clock blades rose so high that it was necessary to control it. Again, after the import of 7 o'clock blades was allowed on a large scale, the Prices Advisory Committee suggested to us that this might be taken out of the control. Whenever the prices fall down we do not insist upon control. We constantly keep a strict eye on prices. I have a list of figures to show, with regard to bicycles and other things, how prices have come down. Mr. Jaspal Roy Kapoor made a suggestion with regard to bicycles that the prices had risen after this Ordinance was passed. I think he is wrong. I can prove that his statement is not correct. The actual fact is prices have gone down and in many cases they have been stabilised.

Shri Iyyunni (Travancore-Cochin): I would like to be enlightened with regard to one matter which is connected with law, and that is that the basis of the Bill is a resolution passed sometime ago. The entry in List III relates to "trade and commerce in, and the production, supply and distribution of, the products of industries". Now, items 7 and 8 in the Schedule are raw materials, tanning materials and raw rubber. The question is whether they could come under the term "products of industry". Unless these things come under the term "products of industry" they cannot find a place here. And if it is so we will be going beyond the scope of the resolution.

Pandit Balkrishna Sharma: Agricultural industry also produces. What of it?

Shri Iyyunni: My point is whether they are "products of industry".

Mr. Chairman: The question put by the hon. Member is not clear to me. Entry 33 in List III has to be read with entries 26 and 27 of List II. Then the position will be quite clear. Those two entries, 26 and 27 in List II, are controlled by entry 33 in List III.

Shri Mahtab: May I explain how it would read, because I have tried to accept this amendment with regard to use and consumption?

Mr. Chairman: The hon. Minister has already explained the situation. The words are "supply, production and distribution". The words "storage" and "transport" are not also there, but storage and transport are included in "distribution". It is only an amplification of the word "distribution". "Use" is also included in "distribution". The dictionary meaning of "consumption" may be something else, but it may also

come within the purview of this "distribution" to some extent. So the meanings, implications and denotations of these words overlap. The only point is that so far as the three words go, their content will include such matters as will come within the purview of the meaning of these words.

Shri Santhanam: May I say that if the words "use" and "consumption" are not there in entries 26 and 27 of List II, then by the residuary power Parliament has got powers to legislate on them as on everything else. It is only when we are prevented by the inclusion of the items in the State List that we cannot legislate in respect of them. This Parliament has got power to legislate on everything else which is not so included. If it is not mentioned in List II it comes under residuary powers. If it comes under List I or List III it has specific powers. Otherwise it has residuary powers. Therefore, if the words "consumption" and "use" are not there in List II, we have the power to legislate under the residuary powers. I do not think the constitutional objection has got any leg to stand upon.

Shri Tyagi: I do not agree with Mr. Santhanam. I agree this much that we can legislate on things about which we may not be specifically authorized, but the legislation under which we are legislating should also embody those words. Otherwise, we cannot bring them here.

Shri Mahtab: Mr. Tyagi suggests that we should make it clear somehow, that these words must relate to industry. I was going to suggest that 13 (c) would read like this:

"regulate by licences, permits or otherwise the production, supply, storage, transport, distribution of goods or the use of any goods in any industry."

Shri J. R. Kapoor: That will serve the purpose.

Mr. Chairman: The question is:

"That the Bill to provide, in pursuance of a resolution under article 249 of the Constitution, for the control of prices of certain goods, and the supply and distribution thereof, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill

Clause 3.—(Goods to which this Act applies.)

Shri Iyyunni: There is an amendment in my name.

Mr. Chairman: There are certain amendments which I received today. The rule in regard to these amendments, as the hon. Members are aware, is that unless and until these amendments are accepted by the hon. Minister in charge, they are not to be allowed as they were received too late.

Shri A. C. Guha: I understand that the hon. Minister was going to accept my amendment.

Mr. Chairman: The hon. Minister has only put in an amendment, No. 11 in the list.

Shri A. C. Guha: I have given notice of an amendment and just now I had some talk with the hon. Minister. I like to know if he would be pleased to accept this amendment. My amendment reads as follows:

To clause 3, add the proviso:

"Provided that in cases of such other goods as will be specified by notified order, the Central Government shall seek the approval of Parliament within fifteen days if Parliament is sitting or at the earliest not later than two weeks in the next session of Parliament."

Shri Mahtab: It is an impossible thing. How do you think that I will accept the whole thing?

Mr. Chairman: The hon. Minister has not accepted that.

Shri Mahtab: The hon. Member is not right when he says that I have accepted it.

Mr. Chairman: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 to 8

Shri Tyagi: I only want to suggest this to the hon. Minister. The words in clause 8 are: "refuses to sell the goods, or denies that he or his employer has the goods or by words or conduct intentionally causes the buyer to believe that he or his employer has not got the goods or will not or cannot sell them." In this connection, I have only a verbal change that I suggest to the hon. Minister. "Causes the buyer to believe" means that the buyer must believe and his belief must emanate from the cause. There can be no cause without an effect. So unless the buyer believes the dealer, there would be no offence. If the buyer went with a belief, the offence does not come to the court. If

the buyer did not believe then he may go to court, but the case will fall through, because the offence would be complete only when the shopkeeper succeeds in causing the buyer "to believe". "Causes" means that the buyer must have believed. I would, therefore suggest that the words such as "attempts to make the buyer believe" may be put in. Whether the buyer believes or not is immaterial. This may be looked into.

Shri Mahtab: Somebody must complain. If the buyer complains that he was led to believe a thing, it is all right. Otherwise how can anybody prove it in a court? If the buyer says that he did not believe it, then the matter is ended. Otherwise, it is very difficult to prove it in a court.

Shri Tyagi: If the buyer says 'I did not believe, it means that the buyer suspects he had the goods but he refused to give the goods. In that case the offence is not committed. It is only when the buyer does not believe that he can come to the Court and say that he had the goods but he denied it to me. The case will fall through, because with the 'belief' being caused the offence will not be complete. I therefore suggest that instead of the word "causes" you may put some such words as I suggest "attempts to make the buyer believe". Whether the buyer believes or not is immaterial. His attempts to make the buyer believe should be an offence, irrespective of the fact whether the attempts are successful or not.

Mr. Chairman: The hon. Minister does not agree to this suggestion and if the hon. Member gives it some more thought, he will come to the conclusion that if the words attempted by him to be put in are put on the clause, this will create more confusion.

Shri T. N. Singh: Clause 7, as it stands, says:

"shall take such action as to the storage, distribution or disposal of the excess quantity as may be prescribed or as the Central Government or such officer may direct."

There is no time limit fixed in this, because there are certain articles which are of a perishable nature. I would suggest that a certain exception may be made in regard to the disposal or storage of such articles which are perishable in this clause. For instance, take soda ash or caustic soda. If it is allowed to remain for more than a fortnight or 20 days in the rainy season all of it may go to waste. A similar incident happened some time

ago when thousands of maunds of edible flour was stored in a particular place and the whole thing within fifteen days went to waste. So I think some sort of protection for perishable commodity may be made.

Shri Tyagi: I am afraid my point has not been fully appreciated by the hon. Minister. I wanted him to consider it.

Mr. Chairman: The point has been discussed and no further argument is necessary. The hon. Member did not send any amendment. The only point is that the hon. Member can speak on clause 8 and he has already spoken and so the matter is finished.

Shri Tyagi: I want to know what will be the position in case the shop-keeper tries to make the buyer believe that he has not got a certain commodity which is controlled. If the buyer believes then there is no case. It is only in the case when the buyer does not believe, that he comes to the Court and says, "this man is trying to make me believe that the goods do not exist and I have not believed." Well! If he has not believed, then the offence is not committed. Because the offence will be committed only when the shop-keeper succeeds to make the buyer "believe". I think there is an anomaly which should be looked into.

Mr. Chairman: With regard to clause 7, the hon. Minister wanted to speak.

Shri Mahtab: With regard to clause 7, I do not think there is any confusion about it. It says:

"Any person having in his possession a quantity of any goods exceeding that permitted by or under this Act....."

Goods would have been already stored up and there is no question of any deterioration. Suppose an order is delayed and the goods are not going out; the goods are in his possession. Here the point is that he must report that he has these goods in addition in his possession. The order will contain directions as to the storage, distribution or disposal of the excess quantity. Therefore, that question does not arise in regard to clause 7.

श्री एस० ऐन० दास : सभापति जी, मैं क्लाज ७ के बारे में कुछ कहना चाहता हूँ। क्लाज ७ में दिया हुआ है :

"Any person having in his possession a quantity of any goods exceeding that permitted

by or under this Act shall forthwith report the fact to the Central Government or to any officer appointed by it in this behalf and shall take such action as to the storage, distribution or disposal of the excess quantity as may be prescribed or as the Central Government or such officer may direct."

मैं यह जानना चाहता हूँ कि, शैल फोर्थविद रिपोर्ट टू बि आफिसर (Shall forthwith report to the officer) इस का क्या मतलब है? मान लीजिये कि किसी के पास १५ साइकिलें रखने का आर्डर है, लेकिन अगर उसके पास रात को साइकिलों का पार्सल आता है और वह उसको रिसेव (receive) करता है अगर सुबह उसकी तलाशी ली जायगी तो उसके पास ज्यादा साइकिलें निकलेंगी। ऐसी अवस्था में उस के पास क्या जरिया हो सकता है कि वह आफिसर को रिपोर्ट करे। और रिपोर्ट करने का मतलब क्या होता है। क्या आफिसर को सिर्फ लिखकर दे दे या ऐसा करके उसकी रसीद भी ले ले। मैं यह जानना चाहता हूँ कि इस का क्या मतलब होता है।

(English translation of the above speech)

Shri S. N. Das (Bihar): Sir, I want to say something about clause 7. It says:

"Any person having in his possession a quantity of any goods exceeding that permitted by or under this Act shall forthwith report the fact to the Central Government or to any officer appointed by it in this behalf and shall take such action as to the storage, distribution or disposal of the excess quantity as may be prescribed or as the Central Government or such officer may direct."

I want to know as to what these words, 'shall forthwith report to the officer' mean. Suppose a dealer is authorised to keep fifteen cycles. But he receives a parcel of cycles in the night. Now if a search is made in the morning, naturally more cycles will be found in his possession. Under these circumstances how can he report the fact to the officer? What is meant by reporting? Does it mean only writing

[Shri S. N. Das]

to the officer or taking an acknowledgement of the same also. I want to know what is meant by this.

Mr. Chairman: Order, order.

Shri A. C. Guha: Sir; I think clause 4 is now under discussion. I would like to know whether the hon. Minister would agree to the amendment in this way:

"Provided that all such notified orders shall be laid on the Table of Parliament."

Mr. Chairman: No such amendment has been moved. I am allowing discussion so that Members desirous of speaking on this clause may speak. If new amendments are proposed to be moved, and they are not accepted by the hon. Minister, certainly these amendments are out of order. If any suggestion is accepted by the hon. Minister, I have no objection. Further amendments are not allowed.

Shri Mahtab: There is no harm in accepting this. All Gazettes are sent to the Library Hall. I have no objection to accept this.

Mr. Chairman: The question is:

"That clauses 4 to 8 stand part of the Bill."

The motion was adopted.

Clauses 4 to 8 were added to the Bill.

Clauses 9 to 12 were added to the Bill.

Clause 13.—(Power to regulate production, etc.)

Shri Tyagi: I beg to move the amendment which has been accepted by the hon. Minister:

In sub-clause (c) of clause 13, omit "consumption".

I also suggest that the word 'or' may be brought before the word 'use' so that the language may be complete.

Shri J. R. Kapoor: I think the hon. Minister is moving an amendment to this effect.

Shri Mahtab: I think this may go in as an agreed amendment. Sub-clause (c) may read as follows:

"(c) regulate by licences, permits or otherwise the production, supply, storage, transport, or distribution of goods or the use of any goods in any industry."

Shri Tyagi: I accept this and this may be treated as my amendment.

Mr. Chairman: The hon. Member Mr. Tyagi has moved an amendment which reads like this...

Shri Tyagi: I do hereby adopt the language of the hon. Minister.

Shri Mahtab: I think the proper course would be for him to withdraw his amendment and this single amendment agreed to, substituting clause (c) as I have suggested.

Mr. Chairman: I want to know whether the hon. Minister wants to move any amendment to clause (c).

Shri Mahtab: I will move it, Sir. I beg to move:

For sub-clause (c) of clause 13, substitute:

"(c) regulate by licences, permits or otherwise the production, supply, storage, transport or distribution of any goods or the use of any goods in any industry."

Shri Tyagi: This is a paraphrase of my amendment, but I do not press it.

Mr. Chairman: The question is:

For sub-clause (c) of clause 13, substitute:

"(c) regulate by licences, permits or otherwise the production, supply, storage, transport or distribution of any goods or the use of any goods in any industry."

The motion was adopted.

Ch. Ranbir Singh: I wanted to give notice of an amendment which I know cannot be allowed, as, probably, the hon. Minister will not be able to accept it. But, I have to place something on record. The amendment that I wanted to move was this:

That the words "through producers' and consumers' co-operative societies or associations" be added before the words "or in such circumstances" in sub-clause (b) of clause 13.

My idea is that generally whatever article is controlled,—it may be, according to the hon. Minister, 40 per cent. or 30 per cent, whatever that percentage which goes to the black-market, in order to decrease that percentage,—it is necessary that the distribution should be through co-operative societies or associations. Take, for example, the iron quota. It is being distributed to the various firms. It is an open secret that there are many firms which although they exist on paper, in reality do not exist, and the firms which are in existence have to buy in black-market, because they are not given the quota.

Shri Sidhva: How can all this come in?

Pandit Balkrishna Sharma: May I know, Sir, if this is in order?

Ch. Ranbir Singh: My suggestion is that if the hon. Minister agrees or gives an assurance that in the future, he will take care to see that as far as possible, consumers goods are distributed through co-operative societies, and in the case of industries, to the associations, I think that would be the right course.

Shri Mahatab: As a matter of fact, it is the State Governments which will administer this law. So far as I know, all the State Governments prefer co-operative societies and stores for the distribution of controlled articles. That is almost the rule in all the States. Therefore, I do not think that the hon. Member should worry about it.

Ch. Ranbir Singh: That is not a fact in many States.

Mr. Chairman: The question is:

"That clause 13, as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to the Bill.

Clause 14.—(Penalties)

Shri Shiv Charan Lal: May I request, Sir, that in sub-clause (1) instead of the words "three years, or with fine....."

Mr. Chairman: Which amendment is the hon. Member moving?

Shri Shiv Charan Lal: I am suggesting one, if the hon. Minister would accept it. Instead of the wording "three years or with fine" it may be "three years and with fine..."

I think that would be better.

Shri Satish Chandra (Uttar Pradesh): I want to enquire, Sir, what actually is the difference between sub-clause (1) of clause 14 and the proviso to that sub-clause. The sub-clause reads as follows:

"(1) Any person who contravenes any of the provisions of this Act, or of any orders or rules made thereunder, shall, if no other punishment is specified therefor in this Act, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both:

The proviso also carries more or less the same meaning.

Shri Santhanam: Three years with fine.

Mr. Chairman: May I point out...

Shri Satish Chandra: My point is...

Mr. Chairman: Order, order. I may point out that in the proviso imprisonment is compulsory whereas in clause 14 it is discretionary.

The question is:

"That clause 14 stand part of the Bill."

The motion was adopted.

Clause 14 was added to the Bill.

Clauses 15 and 16 were added to the Bill.

Clause 17.—(Procedure)

Shri T. N. Singh: In clause 17 it is stated: enquiry shall not be made by "any person below the rank of an inspector of police" and no one below the rank of District Magistrate shall try cases. I have to point out that in most of the States it is mostly the Supply Inspector who does this type of work. I would like to know if this specific provision that no one below the rank of an inspector of Police will not bar those who are now doing the work from carrying out their duties.

Shri Mahtab: So far as I know in all the provinces the Supply Department is helped by what is called the Enforcement Branch. There they have put in police officers of various ranks, and I am sure this will not create any difficulty of the kind mentioned by the hon. Member. This point has already been considered. So far as giving the power of sanction to District Magistrate is concerned, if we make the rank any lower, various other things may happen which I need not mention here.

Shri T. N. Singh: In the case of the Supply Inspector, he will not be of the rank of District Magistrate, he may be an ordinary S.D.O. rank-wala.

Shri Mahtab: In that case he will secure the sanction of the District Magistrate. The Supply Officer is under the District Magistrate and so he can report to him and get his sanction. The District Magistrate can satisfy himself if a prosecution is necessary or not.

Prof. K. K. Bhattacharya: This clause says:

"...and no prosecution for any such offence shall be instituted except with the previous sanction of the Central Government or of an officer not below the rank of a district magistrate empowered by the Central Government to grant such sanction."

[Prof. K. K. Bhattacharya]

What does this mean? If one has to get the sanction of the Central Government, that will be making the procedure very cumbersome. After all the enforcement of the law will be in charge of the District Magistrate.

Mr. Chairman: The position is absolutely clear and there need not be any doubt. So far as the question of sanction is concerned, it has to be that of the Central Government. So far as the question of actual enquiry is concerned, it is the police officer not below the rank of an inspector of police who is competent to enquire.

Prof. K. K. Bhattacharya: Why not authorise the Provincial Government concerned to sanction the prosecution? Otherwise the procedure will be very cumbersome. And instead of having the officer as the Magistrate, I suggest he may be of the rank of Sub-Deputy Magistrate.

Shri Mahtab: The powers will be delegated and all the powers are delegated to the State Governments, and they have to delegate the powers to their officers. Here we simply lay it down that they cannot delegate it to any officer lower than the District Magistrate.

Mr. Chairman: The question is:

"That clause 17 stand part of the Bill."

The motion was adopted.

Clause 17 was added to the Bill.

Clause 18. (Summary trials)

Mr. Chairman: Then we come to clause 18. Does Mr. Vaidya propose to move his amendments?

Shri K. Vaidya (Hyderabad): I understand the hon. Minister has agreed to accept them.

Mr. Chairman: The hon. Member has first to move them.

Shri K. Vaidya: I beg to move:

(i) In sub-clause (1) of clause 18, after "Act V of 1898" insert:

"or the corresponding section of the Code of Criminal Procedure in Part B States".

(ii) In sub-clause (1) of clause 18, after "Chapter XXII of the said Code" insert:

"or the corresponding Chapter of the corresponding Code in Part B States".

(iii) In sub-clause (2) of clause 18, after "section 362 of the said Code" insert "or the corresponding section of the corresponding Code in Part B States".

(iv) In sub-clause (2) of clause 18, after "sections 404 and 411 of the said Code" insert "the corresponding sections of the Criminal Procedure Code in Part B States".

(v) In the Proviso to sub-clause (2) of clause 18, after "section 362" insert "or the corresponding section of the Criminal Procedure Code in Part B States".

(vi) In sub-clause (3) of clause 18, after "section 526 of the said Code" insert "or the corresponding section of the Criminal Procedure Code in Part B States".

Mr. Chairman: These are the amendments. Does the hon. Minister in charge accept them? Does his amendment cover the same points?

Shri Mahtab: Yes, I shall move my amendment:

In clause 18, after sub-clause (3) add:

"(4) References in this section to the Code of Criminal Procedure, 1898, or to any provision thereof shall in relation to any Part B State to which this Act extends, be construed as references to the corresponding law or to the corresponding provision thereof in force in that State."

Mr. Chairman: Does this amendment cover those of Mr. Vaidya?

Shri K. Vaidya: Yes, Sir. I do not press my amendments.

Mr. Chairman: The question is:

In clause 18, after sub-clause (3) add:

"(4) References in this section to the Code of Criminal Procedure, 1898, or to any provision thereof shall in relation to any Part B State to which this Act extends, be construed as references to the corresponding law or to the corresponding provision thereof in force in that State."

The motion was adopted.

Mr. Chairman: The question is:

"That clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18 as amended was added to the Bill.

Clauses 19 to 27.

Shri T. N. Singh: Regarding sub-clause (2) of clause 19, it is stated that the books of a dealer can be ex-

examined by "a person". That means that Government can appoint any man, a non-official also to examine the accounts of the dealer. This, I feel, is leaving a dangerous loop-hole and I think it is desirable that it should be definitely made clear as to who could examine these accounts, whether they should not be chartered accountants or officials of such and such rank. Some such modification may be necessary, as otherwise it may lead to abuse against which protection should be given.

6 P.M.

Shri Mahtab: I take note of that. The hon. Member will find that under clause 26 the Central Government have got power to make rules. We cannot define these in the Act itself.

Mr. Chairman: Under the provisions of Civil Procedure Code, any non-official can be appointed by the Court to examine the accounts.

Shri A. C. Guha: As for clause 21, I like to draw his attention to the words "any person". Only a few minutes ago, he gave an explanation and purpose of the words. I think that will be covered even if he accepts the words "any category or class of persons" instead of leaving it as "any person" which is misleading.

Shri Mahtab: As I have already explained, "person" is a legal term which means association also. It may not be a category, it may be a single institution. But I don't know how that can be done here.

Shri A. C. Guha: Our apprehension is it also means an individual.

Shri T. N. Singh: I feel that "a person" may be misconstrued because in the course of this measure, the words 'dealer' and 'person' occur for instance in clause 7. It denotes a single individual who may be carrying on business in his own capacity as an individual. So the word 'a person' may not actually mean a corporate person, as the Minister thinks. Therefore probably the word 'person' in clause 21 requires a clearer definition.

Mr. Chairman: The question is:

"That clauses 19 to 27 stand part of the Bill".

The motion was adopted.

Clauses 19 to 27 were added to the Bill.

The Schedule was added to the Bill.

Shri Sivan Pillay (Travancree-Cochin): There is an amendment in my name.

Mr. Chairman: It is over.

Shri Sivan Pillay: I wanted to say one or two words.

Mr. Chairman: The hon. Member should have stood up earlier in his seat.

Shri Sivan Pillay: I stood.

Mr. Chairman: When I put it to vote, the hon. Member should have stood up.

Shri Sivan Pillay: On a point of order. I did stand up at that time...

Mr. Chairman: This is not a point of order.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Shri Mahtab: I beg to move:

"That the Bill, as amended, be passed."

Mr. Chairman: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

The House then adjourned till a Quarter to Eleven of the Clock on Tuesday, the 19th December, 1950.