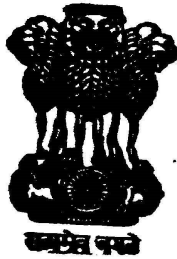


Tuesday, 19th December, 1950



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT



THIRD SESSION (FIRST PART)

of the

PARLIAMENT OF INDIA

(1950)

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

1017

1018

PARLIAMENT OF INDIA

Tuesday, 19th December, 1950

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

RETRENCHMENT

*1036. **Shri Kesava Rao:** (a) Will the Minister of Industry and Supply be pleased to state whether it is a fact that it has been decided to curtail the staff of certain organisations under his Ministry?

(b) If so, what are the organisations affected and what is the extent of retrenchment contemplated?

The Minister of Industry and Supply (Shri Mahtab): (a) As a measure of economy and because of a reduction in work on certain activities it has been decided not to fill up some vacant posts and also to retrench a number of Gazetted and non-gazetted personnel.

(b) The following categories of posts have been reduced or are proposed to be reduced:

Name of post	No. already reduced	No. proposed to be reduced
Gazetted	109	74
Non-gazetted	1,900	1,038
Class IV.	1,849	1,117
Total	3,858	2,229

A detailed statement of the organisations affected and the extent of the reductions already made and yet to be carried out is laid on the Table. [See Appendix IX, annexure No. 1.]

Shri Kesava Rao: Sir, may I know whether it is a fact that in spite of the retrenchment policy of Government, recruitment is also going on simultaneously in the Industry and Supply Ministry?
 241 P.S. Debate.

Shri Mahtab: So far as I am aware, no recruitment is taking place now.

Shri Kesava Rao: Sir, is it a fact that the Bhattacharya Committee has recommended that people who have been appointed during 1939-40 should not be retrenched?

Shri Mahtab: We are following certain exact principles and rules laid down by the Home Ministry in this respect. That Ministry has laid down in detail how retrenchment should be effected, how the categories should be fixed and how seniority and juniority should be fixed; and all these have been examined in detail and instructions given by the Home Ministry.

Shri Kesava Rao: Is it a fact that people recruited after 1947 have been given promotions whereas people who had been appointed during 1939-40 were not given promotions?

Shri Mahtab: The cases may be different. There are, as I said detailed instructions issued by the Home Ministry governing all these things and if the hon. Member goes through them—and I am prepared to lay a copy of them on the Table of the House, if necessary—he will see that if these rules and instructions are followed, it is just possible that some such cases, as he has referred to, might happen.

Shri Sondhi: Is it a fact that personnel in the IV class, II class and I class of government servants whom Government promised to retrench in early 1950 are still kept on? Sir, in reply to a question by the Economy Committee certain commitments were made by the Industry and Supply Ministry that about 100 IV class and about 150 II class and I class government servants are to be retrenched. Are they still kept on?

Shri Mahtab: I have already given the numbers already retrenched and those proposed to be retrenched. If the hon. Member refers to any particular individual case, I shall look into that case.

Mr. Speaker: I think I had better go to the next question.

BICYCLES (IMPORT)

*1039. **Shri Sidhva:** (a) Will the Minister of Commerce be pleased to state the number of licences issued for import of bicycles and bicycle accessories during the period January-June, 1950?

(b) What is the total quantity of these commodities for which licences have been issued after the 1st July, 1950 up to date?

The Deputy Minister of Commerce (Shri Karmarkar): (a) The number of licences issued for import of bicycles and bicycle accessories during the first six months viz. January-June 1950 is 521 and 169 respectively.

(b) Licences are issued on the basis of value and not quantity. The information about the total quantity of bicycles and bicycle accessories licensed from 1st July 1950 is not accordingly available. The number of licences issued for import of bicycles and bicycle accessories during the period July to 5th December 1950 are 71 and 27 respectively.

Sir, I may add, by way of supplementing the information given in the written answer that the total value of the 521 licences for January to June, 1950 was Rs. 1,38,48,086 and the total value of the 169 licences for bicycle accessories was Rs. 15,80,053. The corresponding figures for the period July to 5th December, in respect of whole cycles is Rs. 14,08,580 and for accessories Rs. 2,22,233 respectively.

Shri Sidhva: The reply mentions something about 71 and 27, and I could not follow it, Sir.

Shri Karmarkar: I said, "The number of licences issued for import of bicycles and bicycle accessories during the period July to 5th December 1950 are 71 and 27 respectively."

Shri Sidhva: Out of the 521 licences issued for import of bicycles during the first six months of 1950, what was the highest amount of a licence that was granted?

Shri Karmarkar: I do not have the figures here with me, but I shall be glad to supply the information to the hon. Member if he wants it.

Shri Sidhva: What is the position to-day as regards cycles in the country, is there scarcity or are cycles available?

Shri Karmarkar: The total requirement, according to the Tariff Board, during 1950-1951 was 3,75,000 as against our production of roundabout 1,35,000. To meet the scarcity we have had to keep a policy of importing a minimum of one lakh bicycles for every six month period.

Shri Sidhva: What is the Government's decision for the ensuing period January 1951 to June 1951 about the import of cycles?

Shri Karmarkar: I think a similar quantity will be fixed.

Shri Jhunjhunwala: Sir, under items (a) and (b), what was the ceiling fixed for the importation of bicycles?

Shri Karmarkar: Round about rupees one crore.

Prof. Ranca: Sir, then is the ceiling fixed irrespective of the number of cycles that are to be imported? The hon. Minister said that he had no information about the number of bicycles imported, and he could give only the total amount of money paid for the bicycles.

Shri Karmarkar: We fix the ceiling on the quantity to be imported. The question was about the total money equivalent of the licences issued. The licences are issued on the value and not on the quantity or number of articles. When we fix the ceiling on the quantum required, we do take into consideration the number of bicycles to be imported.

Shri Tyagi: Sir, what was the minimum price of a bicycle in India before these imports were permitted and has the price here gone down as a result of these imports?

Shri Karmarkar: I have not got the exact figures with me here. But our information is that before imports, the prices were fairly high and after sufficient imports the prices have gone down.

Shri Sidhva: Sir, what is the number of available cycles to-day in the country?

Shri Karmarkar: I am afraid it will be impossible to collect that information with our present machinery.

JUTE DELIVERIES BY PAKISTAN

*1040. **Shri Sidhva:** (a) Will the Minister of Commerce be pleased to state whether the Pakistan Government have released all the jute according to the terms of the Trade Agreement entered into with them?

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

The Minister of Commerce (Shri Sri Prakasa): (a) Yes Sir.

(b) Does not arise.

Prof. Ranga: Sir, may I know if negotiations are now being carried on with the Government of Pakistan in order to persuade them to export to us a sufficient quantity of jute?

Shri Sri Prakasa: There are no negotiations being carried on at present.

SALT

*1041. **Dr. M. M. Das:** (a) Will the Minister of Industry and Supply be pleased to state whether the attention of Government has been drawn to a statement made in a Press conference by the President of the Calcutta Salt Association, in which he pointed out that the Salt Controller's Department is costing 60 lakhs of rupees per year and if the same amount had been invested in establishing new Salt manufacturing works, India would more than outstrip its requirements in Salt?

(b) How far is the above statement correct?

The Minister of Industry and Supply (Shri Mahtab): (a) Government are aware of the statement in question.

(b) The statement is not correct. The present estimated expenditure on the Salt Organization is about 40 lakhs of rupees per annum. The necessity of having a Salt Organization has already been explained in my reply to Starred Question No. 163, answered on the 20th November, 1950.

Dr. M. M. Das: Sir, what is the staff employed by the Controller to destroy the natural salt and is it a fact that the cost of maintaining this staff has increased the price of salt?

Shri Mahtab: This question is being put to me time and again and I have been requesting hon. Members to give me a single instance where this kind of destruction is taking place. There is no duty on salt and I cannot understand how this can take place. But even then this question is being persistently asked and so there may be some truth in it or some misunderstanding, and I will try to clear the position, provided some specific instances are given to me.

Dr. M. M. Das: Am I to understand that no staff under the Salt Controller has been engaged in destroying salt

produced by natural causes and private individuals?

Shri Mahtab: There is no staff for that purpose.

Shri Hussain Imam: Has the Salt Controller any connection with the production at Sambhar and distribution of the salt produced?

Shri Mahtab: That organization is there for all salt production including that of Sambhar.

Shri Gautam: What is the strength of the Watch and Ward organization and what are their functions?

Shri Mahtab: I don't exactly remember the number but their duties are to watch the Government stocks. I have personally seen the Khargoda Godowns where a number of people are engaged to watch huge Government stocks.

Shri A. C. Guha: Has Government any idea of abolishing the Salt Controller's establishment?

Shri Mahtab: As I have already said, we are now considering the question how to reorganize the organisation for the furtherance of that industry.

Shri A. C. Guha: What about the Salt Control?

Shri Mahtab: There is no control now on production.

Pandit Munishwar Datt Upadhyay: May I know whether Government has any scheme for salt production in Saurashtra?

Shri Mahtab: We are considering a proposal that the Government of India and the Saurashtra Government should combine to start several salt industries and recently I have personally been carrying on correspondence with the Development Minister regarding that matter.

BARTER AGREEMENTS

*1042. **Dr. M. M. Das:** (a) Will the Minister of Commerce be pleased to state what are the countries with which India has entered into Barter Agreement in Trade?

(b) What are the commodities which Government want to import and export through the Barter Agreement?

The Deputy Minister of Commerce (Shri Karnmarkar): (a) Two barter agreements have been concluded in 1950—one with Argentina and the other with Egypt.

(b) These agreements cover import of wheat from Argentina and rice from Egypt and export of jute manufactures to these countries.

Dr. M. M. Das: May I know the total value of trade in Indian currency that has been or will be carried out during this year by this barter system?

Shri Karmarkar: With regard to Argentina the value of trade will be about 18 crores apart from the freight of 2½ crores by the barter agreement and by the barter agreement with Egypt it will be about 2.5 crores apart from the freight of 18 lakhs.

Dr. M. M. Das: May I know whether any export or import duty has been collected from this trade and if so, how the amount is collected?

Shri Karmarkar: Subject to correction, there will be no import duty on food articles and with regard to export, I should like to have notice.

Dr. M. M. Das: May I know whether Government is prepared to extend the facilities of barter system of trade to private business firms?

Shri Karmarkar: That could be considered but I am not sanguine.

ARAB-KI-SARAI TRAINING CENTRE

*1043. **Dr. M. M. Das:** (a) Will the Minister of Rehabilitation be pleased to state the total expenditure incurred to date for the training centre of Arab-ki-Sarai?

(b) What has been the total cost of the Japanese machineries installed at the centre?

(c) What is the total expenditure incurred on Japanese technicians up to date?

(d) What is the total amount realised from the sale of finished products up to date?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Rs. 4.74 lakhs.

(b) Rs. 95,000.

(c) Rs. 59,000.

(d) Rs. 77,000.

Dr. M. M. Das: May I know whether with the exception of mustard oil and handloom cloth, any other article is produced in this Centre?

Shri A. P. Jain: Yes, quite a number of them—plastics, bamboos, tape etc.

Dr. M. M. Das: Are they sold in the markets?

Shri A. P. Jain: Some of them are being sold in the markets.

Dr. M. M. Das: May I know whether some people who have been trained in these camps are employed under Government for giving training to others?

Shri A. P. Jain: Yes.

Dr. M. M. Das: What is the number?

Shri A. P. Jain: I want notice of this question.

Pandit Munishwar Datt Upadhyay: Is this training centre of Arab-ki-Sarai likely to be self-supporting in course of time?

Shri A. P. Jain: Efforts are being made to make it self-supporting. In fact some sections of it are already self-supporting.

Shri S. C. Samanta: Is it a fact that Japanese technicians are available only when machineries are brought from Japan and on the recommendations of the manufacturers?

Shri A. P. Jain: I am not aware of it. Of course, we have Japanese technicians.

Shri Dwivedi: Why the advantage of training facilities has not been allowed in the case of other part C States except Delhi?

Shri A. P. Jain: Because we had only a limited number of machinery and they are being set up in certain States. Delhi is one of them and now we are setting up similar centres in Bengal, Assam and Bihar.

Shri Deshbandhu Gupta: May I know whether any effort has been made to get similar machines manufactured in India?

Shri A. P. Jain: Yes, efforts are being made. In fact some are being manufactured.

Shri Munavalli: May I know the price of the machinery pertaining to Garab Section?

Shri A. P. Jain: I have no separate figures.

Shri A. C. Guha: What is the number of trainees that have passed through these Centres?

Shri A. P. Jain: The number has been varying from month to month. The lowest figure was 89 in September 1950.

Shri A. C. Guha: I want the total number.

Shri A. P. Jain: I cannot give the exact figure.

Sardar Hukam Singh: Have Government any information as to whether the people who have had these trainings get facilities to enter industries? I want to know whether they have been rehabilitated.

Shri A. P. Jain: Some of them have been found jobs, some of them have set up industries and about others, we don't know.

INDUSTRIAL MUSEUMS

*1044. **Shri S. C. Samanta:** (a) Will the Minister of Labour be pleased to state how many Industrial Museums there are in India and where they are located?

(b) What are the things that are meant to be exhibited and what are the articles which are actually being exhibited at present in those Museums?

(c) Are those Museums open to all or are there some restrictions?

(d) How much money has been allotted for the management of these Museums in the year 1950-51?

The Minister of Labour (Shri Jagjivan Ram): (a) None at present.

(b) and (c). The Central Government propose to set up in Delhi, as soon as possible, an Industrial Safety, Health and Welfare Museum. The Museum is intended to serve as a practical centre of demonstration and a permanent exhibition of methods and appliances for promoting the safety, health and welfare of workers. The object is to explain and illustrate the dangers to workers and the methods of avoiding them, to act as a centre of information for Factory Inspectors and to illustrate the application of the principles of industrial safety.

(d) None.

Shri S. C. Samanta: May I know whether the proposed Central Museum will contain a collection of machinery used in small scale industries?

Shri Jagjivan Ram: It will not be exactly a collection of machinery but some samples will be there to demonstrate the danger points and how to avoid them.

Shri S. C. Samanta: Will the Museum contain samples of cottage and small scale industries in the World?

Shri Jagjivan Ram: Efforts will be made to collect samples of important cottage industry machinery as well with

a view to educate the workers or the factory staff to study the danger points in the working of that machinery and methods as to how to provide safety to workers.

Pandit Munishwar Datt Upadhyay: May I know whether these proposed Museums are to be directly under Government or under the management of Statutory bodies appointed by Government?

Shri Jagjivan Ram: The present idea is that it will be directly under Government.

DELEGATION TO JAPAN TO STUDY COTTAGE INDUSTRIES

*1045. **Shri S. C. Samanta:** Will the Minister of Industry and Supply be pleased to state:

(a) the amount of expenditure incurred by the Government of India in connection with the Delegation sent to Japan in 1949 to study cottage and small scale industries there;

(b) how many and what kinds of machineries for cottage and small scale industries were imported by Government from Japan as a result of the recommendation of the Delegation or otherwise;

(c) What was the amount spent for the same since January, 1949; and

(d) whether Government have imported sufficient machinery to meet the demands of private concerns and individuals?

The Minister of Industry and Supply (Shri Mahtab): (a) Rs. 12,536.

(b) The details of machinery purchased from Japan for the Government of India by the Delegation are given in the Report of the Delegation, a copy of which is available in the Library of the House. A statement giving the details of machinery that has been purchased from Japan by the Government of India subsequent to the visit of the Delegation to Japan, is laid on the Table of the House.

(c) Rs. 6,27,000.

(d) No, Sir. The machinery imported by Government has been installed at Harduaganj, near Aligarh and at the various Training-cum-Works Centres of the Central and State Governments. Experiments are being conducted to manufacture in India machinery of the Japanese pattern.

STATEMENT

- (1) Nisshoku Treadle looms. 50 sets.
- (2) Sakurai Job Printing Press. 100 sets.
- (3) Kakuban Braiding machines. 8 sets.
- (4) Garabo Plant. 6 sets.
- (5) 'YUKI' Oil Pressing machine. 50 sets.
- (6) 'HANDER' Oil Pressing machine. 20 sets.
- (7) 'CHIBA' Automatic Pin Making machine. 12 sets.
- (8) 'CHIBA' Gem Clip machine. 12 sets.
- (9) 'NAKANO' Plating apparatus for Gem Clips and Pins. 1 plant.
- (10) 'KIYA' Toy making plant. 1 plant.

Shri S. C. Samanta: How many industrial establishments did the delegates visit during their tour?

Shri Mahtab: Sir, all these things are mentioned in the report to which I have referred.

Shri S. C. Samanta: Have the delegation recommended setting up of any plants for bamboo industry?

Shri Mahtab: As I told you, Sir, the report contains all the information which is being asked for.

Shri S. C. Samanta: Is it a fact that many of the industries recommended by the delegation, if introduced in our country, will stop imports in those fields?

Shri Mahtab: I think so.

Shri Kamath: Did the Indian delegation, Sir, have free access to all industrial concerns in Japan or did the S.C.A.P. organisation impose any restrictions upon their movement?

Shri Mahtab: As it appears from the report, there was no restriction on their movement.

Shri Tyagi: May I know which of these cottage industries do the Government propose to propagate in the rural areas?

Shri Mahtab: At the last meeting of the Cottage Industries Board it was decided that three or four small industries should be taken up—paddy-husking, oil-making and a few others which I don't remember exactly, but

it has been decided to take up a small number of industries and popularise them.

Dr. M. M. Das: In answer to the question, the hon. Minister said that some machinery for cottage industries is being attempted to be manufactured in this country. May I know what particular machineries they are?

Shri Mahtab: Printing press is the only one which I have myself seen. They are also attempting to manufacture the oil-making machinery.

Shri Munavalli: Will the Government allow private individuals to import machinery from Japan for cottage industries?

Shri Mahtab: I think there should not be any objection to that and that it will be allowed.

Prof. Ranga: Has work been begun on these imported machineries at Harduaganj Centre, and, if not, how soon will the work start?

Shri Mahtab: As the hon. Member knows, as he is a member of the Cottage Industries Board, we have appointed a small committee to run that Training Centre. How that Training Centre will be run has not yet been decided. Details are now being examined and I think it will start functioning from the next year.

JAPANESE MACHINERY FOR COTTAGE INDUSTRIES

*1046. **Shri S. C. Samanta:** (a) Will the Minister of Rehabilitation be pleased to state whether all the machineries for the use of displaced women, pavement shops and small scale industries, recommended by the Delegation sent to Japan in 1949 to study cottage and small scale industries there, have been imported from Japan and if so, what was the cost of machineries?

(b) How many displaced men and women have been trained to use those machineries?

(c) How many amongst them were East Bengal displaced persons?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) The Delegation selected machinery costing Rs. 72,000 in all. This was purchased and has been received.

(b) 117.

(c) None so far. Eight were admitted for training at Delhi but they left after a few days.

Sir, with your permission I may say that the information which was being asked for in supplementaries to Question No. 1043, as to how many persons have been trained, is given in this answer. The number is 117.

Shri S. C. Samanta: May I know whether any agricultural machinery has been imported from Japan on the recommendation of the delegation?

Shri A. P. Jain: Not by my Ministry.

GRANTS TO STATES

*1047. **Prof. K. T. Shah:** (a) Will the Prime Minister be pleased to state what grants, if any, have been made to the various States' Governments, following the recommendations of the Planning Commission, for prosecution of various Plans by those State Governments?

(b) Which are the States that have received such grants, and which are the projects on whose account such grants have been made?

(c) What sums have been spent or sanctioned on projects of the Planning Commission directly under the Government of India?

(d) What is the amount estimated to be spent in the current financial year on that account?

The Prime Minister (Shri Jawaharlal Nehru): (a) to (d). The Planning Commission has not yet formulated its plan. It has, therefore, made no recommendations for grants to States Governments or proposed expenditure on any new Central projects.

Prof. K. T. Shah: May I enquire whether, when the recommendations do come, these grants will be made from current revenues or from borrowed funds, and whether.....

Mr. Speaker: Order, order. I am afraid it will be hypothetical at this stage.

Prof. Banga: Has the Planning Commission sent round any instructions to State Governments asking that they should stop further expenditure on any of their own developmental schemes pending the finalisation of the plans of the Commission?

Shri Jawaharlal Nehru: The Planning Commission is a much more modest organisation than some hon. Members seem to imagine. It does not wish to interfere in the work of the State Governments or the Central Government. When a reference is made to it, it gives its own opinion. In regard to grants too, it is not for the Planning

Commission to suggest grants. All that they might suggest is priorities and they might suggest to the State Governments to concentrate on some things and not on others. But ultimately it is for the State Governments or for the Central Government to decide how much they can spend. The Planning Commission has nothing to do with it. They only indicate what is important.

Prof. K. T. Shah: Does the Planning Commission not make any recommendation about integrating these things?

Shri Jawaharlal Nehru: Yes, Sir, that is part of the plan. When the plan comes it will be an integrated plan, but in between, before the plan comes, they don't interfere much except that they want to know, as far as possible, that nothing is done which might interfere with their future plan.

Shri Tyagi: Has the Planning Commission prohibited prohibition?

Mr. Speaker: Order, order.

Shri Kamath: Has the Planning Commission, Sir, set up any regional commissions, or have any steps been taken in that direction?

Shri Jawaharlal Nehru: Not that I am aware of. They have got, of course, separate sections of the Planning Commission at the Centre. For the rest they deal with the State Governments.

Shri Kamath: Is it a fact that the Planning Commission is in consultation with the State Governments with a view to launching a five-year plan in March or April next year? Is it under consideration?

Shri Jawaharlal Nehru: Sir, the Planning Commission is trying to draw up a five-year plan. They are also trying to draw up an intermediate plan for the next year or two and they are in consultation with the State Governments as well as the Central Government.

Shri A. C. Guha: Has the Planning Commission taken any attitude as regards rehabilitation work forming part of the general development?

Shri Jawaharlal Nehru: Only to the extent that they want, as far as possible, rehabilitation to be attached to, or be helped in, the process of development.

PLANNING COMMISSION AND CENSUS OPERATIONS

*1048. **Prof. K. T. Shah:** (a) Will the Prime Minister be pleased to state whether any contacts have been established between the Planning Commission and the Census Operations?

(b) Under its terms of reference, has the Planning Commission any concern with the demography of India, and the problem of population?

The Prime Minister (Shri Jawaharlal Nehru): (a) Yes. The Planning Commission is in touch with the progress of work in connection with the Census Operations.

(b) Yes. The Commission is considering the problem of population.

Prof. K. T. Shah: Under these arrangements of keeping in touch with the Census Operations, has the Planning Commission made any suggestions with regard to the census of employment or occupation as well as of industry?

Shri Jawaharlal Nehru: I could not give a precise answer to that question, but I believe they are interested in it. Our Statistical Department is also very much interested in that and the Planning Commission is in touch with Prof. Mahalanobis of the Central Statistical Organisation as well as with the Census Commissioner. But I could not exactly say what suggestions they have made in regard to that.

Prof. K. T. Shah: If I may draw the Prime Minister's attention to it, in the last census of 1941 the entire tables about occupation were omitted. I am interested, therefore, to know whether in the coming census of 1951 this point will be attended to.

Shri Jawaharlal Nehru: I could not answer that question, but I shall draw the Planning Commission's attention to this.

Shri Deshbandhu Gupta: The Prime Minister said that the Planning Commission is considering the problem of population. Has the Commission suggested any means of controlling population?

Shri Jawaharlal Nehru: Most of the means are well known.

INDIANS IN CEYLON PUBLIC SERVICES

*1049. **Prof. K. T. Shah:** (a) Will the Prime Minister be pleased to state whether the attention of Government has been drawn to the Ceylon Government's policy of nationalising their Public Services?

(b) What has been the reaction on Indians employed in Public Services in Ceylon?

(c) What steps have been taken by the Government of India to safeguard the rights of Indians in Ceylon Services?

The Deputy Minister of External Affairs (Dr. Keskar): (a) Yes, the Government of India are aware that the Ceylon Government are following, since 1939, the policy of employing Ceylonese nationals in their public services. Non-nationals are, however, employed from time to time on a temporary or contract basis where suitable Ceylonese personnel are not available.

(b) Government have no information, but presumably the reactions are unfavourable.

(c) Non-Ceylonese persons, including Indians, employed on a temporary basis, are being asked whether they have accepted Ceylon citizenship. Those who do not intend taking up Ceylon citizenship run the risk of losing their employment if the Ceylon Government implement their policy to the fullest. This policy would not, however, affect those who were permanently appointed prior to 1939. The Government of India are unable to take any action to safeguard the interests of Indians in Ceylon Public Service for two reasons, firstly because every independent Government have the right to determine the constitution and character of their public service and secondly, Indians who accepted employment on temporary or contract basis, entered service knowing full well the implications of such employment.

Prof. K. T. Shah: How many Indians would be thrown out of employment as a result of the nationalisation policy of the Ceylon Government?

Dr. Keskar: I am afraid I have not got the figures with me. I would require notice.

Pandit Munishwar Datt Upadhyay: May I know whether Indians in permanent service are also being removed or retrenched?

Dr. Keskar: Those who were permanent prior to 1939 are not affected.

Shri Brajeshwar Prasad: Do Government of India recognise those Indians in Ceylon who have not accepted Ceylonese citizenship as Indian citizens?

Dr. Keskar: Those who have not accepted Ceylonese citizenship are Indians.

LIAISON OFFICERS BETWEEN GOVERNMENT AND TRADESMEN

*1050. **Prof. S. N. Mishra:** Will the Minister of Commerce be pleased to state:

(a) whether it is a fact that Government have decided to appoint liaison officers between Government and tradesmen in important cities; and

(b) if so, the exact nature of work they are expected to perform?

The Minister of Commerce (Shri Sri Prakasa): (a) No Sir.

(b) Does not arise.

JAPANESE TRADE AGENCIES

***1051. Prof. S. N. Mishra:** Will the Minister of Commerce be pleased to state:

(a) whether India has allowed Japan to open trade agencies in India; and

(b) if so, in how many places?

The Minister of Commerce (Shri Sri Prakasa): (a) Yes, Sir.

(b) The Agencies have been established at New Delhi, Calcutta and Bombay.

Prof. S. N. Mishra: May I know whether it is a reciprocal arrangement?

Shri Sri Prakasa: Yes, Sir.

Prof. S. N. Mishra: In how many places in Japan have Government opened these trade agencies?

Shri Sri Prakasa: We have one in Tokyo.

Prof. S. N. Mishra: What is the estimated expenditure on it?

Shri Sri Prakasa: I fear I have not got the information at hand.

Pandit Munishwar Datt Upadhyay: Is this only the renewal of the old agencies or have any fresh ones been opened?

Shri Sri Prakasa: New agencies have been established in New Delhi, Calcutta and Bombay.

Pandit Munishwar Datt Upadhyay: Were there any old agencies too?

Shri Sri Prakasa: No, Sir.

Shri A. C. Guha: What is the volume of trade with Japan now—both export and import—and what are the articles generally imported from Japan?

Shri Sri Prakasa: This question scarcely arises out of this. I should like to have notice.

Shri Kamath: Does this Liaison Mission in Tokyo deal directly with the Japanese Government or only through the S.C.A.P?

Shri Karmarkar: The Japanese Government is subject to the general supervision of the S.C.A.P. and it is

only on that basis we have to deal with the Japanese Government.

Prof. Ranga: Is it a fact that the businessmen associated with one of these agencies have offered to take an exhibition train to exhibit small machineries from Japan which would be useful to cottage industries, and have they asked the Commerce Ministry to give them certain privileges for importing just those machineries which are to be exhibited in this country?

Shri Sri Prakasa: I fear I have not got that information before me.

GENERAL ELECTIONS

***1052. Prof. S. N. Mishra:** (a) Will the Minister of Law be pleased to state the approximate expenditure to be incurred by the Government in the next general elections?

(b) How many representations have been made to the Government for holding elections in April-May and how many against it?

The Minister of Law (Dr. Ambedkar)

(a) Attention is invited to my reply given on the 20th November, 1950, to part (e) of starred question No. 134 asked by Shri Deshbandhu Gupta.

(b) According to information available, in all eleven representations have been received, out of which ten are against holding elections in April-May 1951, and one against the postponement of the elections to November-December, 1951.

Prof. S. N. Mishra: May I know what were the main reasons for postponing the elections to November-December 1951?

Dr. Ambedkar: I thought they were very fully expressed in the President's Address to the House.

Shri Dwivedi: May I know whether Government are going to ban party and religious flags during the elections?

Dr. Ambedkar: I suppose that everything that is necessary to ensure fair elections will be done.

Shri Joachim Alva: Is Government devising any machinery of propaganda by which elections may be run on proper lines and malpractices may be avoided?

Dr. Ambedkar: I think that it had better be left to the political parties themselves.

Shri Jainarain Vyas: Will Government impose any levy on the different States to meet the election expenditure?

Dr. Ambedkar: Yes. There has already been an agreement between the Centre and the various States as to the proportion in which the election expenses would be borne.

Dr. M. M. Das: May I know whether any State Government has sent any deputation and if so, what is the result?

Dr. Ambedkar: Deputation for what?

Dr. M. M. Das: For postponing the elections.

Dr. Ambedkar: No. I do not remember to have received any deputation.

Shri E. Velayudhan: Which is the single State which has protested against the postponement of the elections?

Dr. Ambedkar: I did not say that the representations were from the States. They may have been from individuals and not necessarily from the States. I have not got the name of the particular representative who sent the representation against the postponement of elections.

Shri B. K. P. Sinha: Is it a fact that certain parties which were nervous at the approach of the elections are now passing resolutions to the effect that Government have done a great harm by postponing the elections?

Dr. Ambedkar: I feel that my hon. friend knows more than I do.

MONAZITE SAND

*1053. **Shri Kesava Rao:** Will the Prime Minister be pleased to state what is the expected out-put of the factory at Alwaye for the manufacture of thorium from Monazite Sand?

The Prime Minister (Shri Jawaharlal Nehru): The expected annual out-put of the factory is approximately 207 tons of thorium nitrate, 1500 tons of rare earth chlorides and 1800 tons of trisodium phosphates.

Dr. M. M. Das: May I know how these products are going to be disposed of?

Shri Jawaharlal Nehru: India requires thorium nitrate for her gas plant industry. The rare earth chlorides are used for metallurgical operations for the manufacture of flints, aluminium base alloys etc. Trisodium phosphates are used for pharmaceutical purposes for kneading out yarn in Indian mills as a cheap detergent. Up to now, these products were imported and now that we can get these produced here, the necessity for import will not be there any more.

Shri Kamath: Have these rare earths been found anywhere else in India?

Shri Jawaharlal Nehru: Yes. They are found in other places too.

Shri Kamath: What efforts have been made so far to develop those other regions?

Shri Jawaharlal Nehru: Surely, we have to develop one place first before we start with other places.

MINES WORKERS' DEMAND FOR BONUS

*1054. **Shri Kamath:** Will the Minister of Labour be pleased to state:

(a) whether it is a fact that the Madhya Pradesh Provincial Rashtriya Manganese Mine Workers' Union, Nagpur, recently requested Government that their demand for bonus be referred for adjudication under the law; and

(b) if so, whether the demand is under the consideration of Government?

The Minister of Labour (Shri Jagjivan Ram): (a) Yes.

(b) In view of the settlement reached during conciliation proceedings, to the effect that workers would give up their demand for bonus if an adequate welfare fund was created by the management, Government did not consider it necessary to refer the dispute to an Industrial Tribunal for adjudication. This decision was communicated to the Union.

Shri Kamath: What is the amount that has been earmarked for the Welfare Fund?

Shri Jagjivan Ram: £25,000.

Shri Kamath: For which year?

Shri Jagjivan Ram: It is not for each year. For the present £25,000 have been set apart. In future we will see what amount can be safely set apart for the purpose.

Shri Kamath: After the conclusion of this settlement, were any fresh demands put forward by the Union and representation made to Government in that connection?

Shri Jagjivan Ram: Not about bonus. Of Course, there is some division among the office-bearers of the Union. One set agrees with this settlement; the other does not. Naturally, there has been some further demands from another set of office-bearers of the Union.

Shri Kamath: Are those demands under consideration of Government, or they have been rejected?

Shri Jagjivan Ram: Most of the reasonable demands were met by the Management during the course of conciliation.

Shri R. L. Malviya: Will Government consider the advisability of setting up a Committee like the one for coal-mines for consideration of concessions to labourers?

Shri Jagjivan Ram: The desirability may be considered, but Government feels that there is no necessity.

HOUSES FOR INDUSTRIAL LABOUR

*1055. **Shri S. V. Naik:** (a) Will the Minister of Labour be pleased to state whether the attention of Government has been drawn to the news published in the *Hyderabad Bulletin* dated the 8th September, 1950 regarding housing plan for Hyderabad and state whether amounts have been set apart to aid State Governments for housing the industrial labour?

(b) What are the amounts allotted to each State?

(c) How many houses are to be constructed under this head?

The Minister of Labour (Shri Jagjivan Ram): (a) The reply to the first part of the question is in the affirmative. As regards the second part, I may mention that a total sum of rupees one crore was set apart for the purpose.

(b) Bombay ... Rs. 60 lacs.

Bihar, Orissa, Madhya Pradesh and Punjab } Rs. 10 lacs each.

Only these State Governments accepted the Industrial Housing Scheme of the Central Government.

(c) In April 1948, the Government of India announced as part of their industrial policy their decision to construct one million workers' houses in ten years.

Shri S. V. Naik: May I know, Sir, whether any scheme regarding housing for industrial labour was prepared by the Hyderabad State and sent for the approval of the Central Government?

Shri Jagjivan Ram: We have not as yet heard anything from the Hyderabad Government in this connection.

Prof. Ranga: How many out of the proposed one million new houses have so far been constructed, and how many

more are proposed to be constructed during the year 1951?

Shri Jagjivan Ram: The progress has not been quite satisfactory, as my hon. friend is aware, due to various reasons, the main one being financial stringency besides the scarcity of building materials. But all the same we have constructed 526 houses, and 742 are under construction in the State of Bombay under the Central Government Industrial Housing Scheme. In this we do not include the other houses which are being constructed for industrial workers by the various Ministries of the Central Government, or even by the Labour Ministry. The houses I have mentioned have been constructed strictly under the Industrial Housing Scheme.

Prof. Ranga: Is it a fact that sums promised to the various State Governments, particularly Bombay, have not been paid, or rather promises made by the Central Government have not been fulfilled? Have Government now decided on any definite plan for making these grants to the State Governments and sticking to their promises?

Shri Jagjivan Ram: It is not correct to say that we have not fulfilled our promises to the Bombay Government. At one stage the Bombay Government itself could not utilise the loan which was promised to it—I think on a previous occasion, I replied to a question on this subject. Next year when they demanded that amount we had no provision in the budget for that. I should, however, like to tell the House that under the Industrial Housing Scheme the Bombay State is the most favoured State, because they are trying to take full advantage of this scheme.

Pandit Munishwar Datt Upadhyay: Was no amount allotted to Uttar Pradesh; if not, why not?

Shri Jagjivan Ram: U. P. did not fall in line with this scheme; so no allotment was made to it.

Shri R. L. Malviya: May I know what is the contribution of the Government in this housing scheme?

Shri Jagjivan Ram: The Government of India advance loans interest-free at 2/3rd of the capital cost; the 1/3rd has to be met by the State Government.

PRICE OF TEXTILES

*1056. **Shri Kishorimohan Tripathi:** (a) Will the Minister of Industry and Supply be pleased to state the factors which determine the prices of Indian textiles?

(b) What is the percentage of profit allowed?

(c) Is any interest on capital charged by the producer and if so, is it for the block capital or current working capital or for both?

(d) Has it come to the notice of Government that many a mill charges interest for block capital which has been fully recovered by years of depreciation allowed?

The Minister of Industry and Supply (Shri Mahtab): (a) Attention of the hon. Member is invited to reply given to part (a) of Starred Que. No. 186 answered on 1st December, 1949.

(b) The profit is 6 per cent. on gross block.

(c) Interest is allowed only on the working capital.

(d) No such case has come to the notice of Government; but I shall look into it.

Shri Kishorimohan Tripathi: Has any instance come to the notice of Government where mills have charged at a rate higher than the one allowed?

Shri Mahtab: It is not possible. Prices are fixed according to a formula laid down by the Tariff Board, which is based on the price of cotton, manufacturing charges, including wages, mill stores, fuel and power, overheads, depreciation of machinery, working capital, return on fixed capital etc.

Shri Kishorimohan Tripathi: Is it a fact that at different centres of production different prices have been fixed for the same variety and quality of textiles, although they are manufactured from the same cotton?

Shri Mahtab: It is not possible. If the hon. Member goes through the report of the Tariff Board he will find how prices have been recommended to be fixed for each zone.

Shri Kishorimohan Tripathi: Is there any special machinery to advise Government on the fixation of prices in respect of textile goods?

Shri Mahtab: The entire Textile Commissioner's organisation is at the disposal of Government to advise Government. Cases where prices are wrongly fixed by mill-owners are brought to our notice. These are rectified and the mill-owners asked to refund the money.

Shri Khandubhai Desai: Are Government sure that the 6 per cent. profit at gross block, as stated by the hon. Minister, is reflected in the balance sheets for the year 1949, or are the profits much more than what is contemplated.

Shri Mahtab: The Finance Ministry examined the balance sheets of as many as eleven mills for the year 1949 and they agreed to the 4 per cent. cut on the basis of their examination.

Shri Khandubhai Desai: Is not Government aware that the 6 per cent. profit on gross block that is permitted has been very much exceeded by actual prices that has been granted? Is there not anything wrong in the calculation of the price schedule?

Shri Mahtab: So far as I am aware, we are exactly following the Tariff Board formula. If there is any serious fluctuation, the matter will again be referred to the Tariff Board. On these matters Government as such cannot come to a decision, because all the materials are not before them. It is only the Tariff Board which can come to certain conclusions and they can recommend formula for the acceptance of Government.

Shri Dwivedi: Is it not a fact that black-marketeering is being encouraged by forcing the dealers of coarse cloth to purchase a certain quantity of fine cloth as well?

Shri Mahtab: I do not know how that is possible unless the State nominees agree to that course. It is not possible under the existing system; but it is quite possible if the State nominees, the whole-salers, and the retailers are all agreed on committing mischief.

Shri Kishorimohan Tripathi: May I know, Sir, whether the Textile Commissioner's office calculates the cost of production independently, or merely obtains reports from the mills?

Shri Mahtab: They themselves do it; they have got specialised staff for that.

Shrimati Renuka Ray: Does the Government always follow the advice of the Tariff Board in these matters and may I know what happened in regard to kapas control?

Mr. Speaker: Order, order. That would be beyond the scope of the question.

Shri Gautam: Out of the eleven mills the balance sheets of which were scrutinized by the Finance Department, may I know in how many cases the profits exceeded 6 per cent.?

Shri Mahtab: As I find from the reports, the system of examination is they take the sum total of all these accounts and they come to a certain decision. It is not that the Finance Department went into the accounts of each mill. They take standard mills and come to certain conclusions.

Mr. Speaker: We will go to the next question

Shri Gautam: Sir, my question was not replied to. I asked in how many cases the profits exceeded 6 per cent.

Mr. Speaker: His reply is, if the hon. Member has caught it, that they are not going through these things individually in respect of each separate concern but pool the figures together and come to conclusions. Am I right there?

Shri Mahtab: Yes, Sir. May I read it?

Mr. Speaker: It is not necessary.

CONSCRIPTION INTO HOME-GUARD IN MALAYA

*1057. **Dr. R. S. Singh:** Will the Prime Minister be pleased to state: (a) whether conscription in home-guard has been introduced in Malaya for Asian population; and

(b) if so, how many Indians have been conscripted so far?

The Deputy Minister of External Affairs (Dr. Keskar): (a) A scheme for compulsory recruitment to the Home Guards was introduced in Malaya in September, 1950. According to this scheme, any male person in Malaya, irrespective of race or community, who has attained the age of 18 years but has not attained the age of 55 years, is liable to perform part-time duties as a Home-Guard.

(b) There has been no conscription as such. A few Indians may have enrolled themselves as Home Guards, but no estimate of their numbers is available. The scheme is in the process of being implemented.

Dr. R. S. Singh: May I know whether this conscription order applies to Indians who are residing there permanently or also to those who are temporary residence?

Dr. Keskar: The Malayan Government itself is not able to give us a

reply to all these questions. As I said in part (b) of the reply, the scheme is only being introduced and implemented. Within a few weeks when the scheme will be implemented to a certain extent it will be possible for us to get more exact information from the Malayan Government.

Shri Brajeshwar Prasad: May I know if the authorities in Malaya secured the consent of the Government of India before recruiting Indians, our fellow citizens, in the Home Guards?

Dr. Keskar: May I remind my hon. friend that on the floor of this House many times the question of Indians in Malaya has been discussed, and Indians who are in Malaya are just in the position of deciding whether they want to be Indian citizens or citizens of Malaya.

Shri Raj Bahadur: May I know whether the few Indians who have been enrolled on the Home Guards have done so out of their own free will or whether they were compelled to do so?

Dr. Keskar: I think there has been very little recruitment yet and those who have been recruited up till now are voluntarily recruited.

Some Hon. Members rose—

Mr. Speaker: I think we will proceed to the next question. After all it refers to recruitment and more or less relates to the internal affairs of the other country.

Prof. Ranga: Sir, I want an assurance from the Government that our Government does not give an impression to the Malayan Government that it is opposed to the Home Guards movement which is meant to fight subversive elements there.

Dr. Keskar: No reference has been made by the Government of India to the Malayan Government with regard to this matter.

DISABILITIES OF INDIANS IN PERSIA

*1058. **Sardar Hukam Singh:** (a) Will the Minister of Commerce be pleased to state whether there have been any negotiations, since the treaty in 1950, between our Government and the Government of Persia for the removal of disabilities suffered by our countrymen in that country?

(b) If so, what has been the result of such negotiations?

The Minister of Commerce (Shri Sri Prakasa): (a) and (b). No formal

negotiations have taken place, but the matter is being pursued by our Ambassador.

"INDIAN ESTABLISHMENTS" IN CEYLON

*1059. **Dr. R. S. Singh:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that the Government of Ceylon want to employ Ceylon nationals in all private establishments in Ceylon; and

(b) if so, how many Indian establishments are going to be affected by that policy?

The Deputy Minister of External Affairs (Dr. Keskar): (a) The hon. Member's attention is drawn to the reply given on the 28th November, 1950, to Starred Question No. 430 asked by Shri Kesava Rao.

(b) No statistics are available.

Dr. R. S. Singh: May I know whether Indians who have become Ceylon nationals by registration can enjoy the same rights and privileges in regard to future employment as the Ceylon nationals by birth?

Dr. Keskar: If it is with regard to private trade and commerce, I think so. I am not able to reply with regard to certain government employments in which there might be slight discrimination.

Dr. R. S. Singh: Is it a fact that the Prime Minister of Ceylon gave an assurance to the Government of India sometime in June 1948 that Indians who do not wish to acquire Ceylonese citizenship would be given the right to enjoy the rights and privileges which they are having in Ceylon at present?

The Prime Minister (Shri Jawaharlal Nehru): A Ceylon national has presumably to be treated alike whether he is such either by birth or in any other way. In practice maybe this theory may not be wholly followed. But that is a presumption.

INDIANS ARRESTED IN GERMANY BY RUSSIANS

*1060. **Shri Kamath:** Will the Prime Minister be pleased to state:

(a) the number of Indians who were working in Berlin and other parts of Germany in connection with the Free India Centre during the war under Netaji Subhas Chandra Bose and who were arrested by the Russians after the collapse of Germany;

(b) what efforts were made by the Indian Military Mission in Berlin to get them released from Russian concentration camps or prisons; and

(c) how many such Indians died in Russian concentration camps or prisons, how many have been released, and how many are still confined?

The Deputy Minister of External Affairs (Dr. Keskar): (a) to (c). Information is being collected and will be laid on the Table of the House when obtained.

Shri Kamath: Are there any grounds for the belief that the authorities in the Soviet Zone of Germany were reluctant to supply the requisite information in this respect?

Dr. Keskar: It is not possible to say whether the authorities were reluctant but we have not been able to get the requisite information from them; the information is being delayed. It is for the hon. Member to draw conclusions.

Shri Kamath: Did not the Indian Military Mission in Berlin soon after its appointment in 1946 take necessary steps in this connection?

The Prime Minister (Shri Jawaharlal Nehru): The hon. Member is referring to something which happened four years ago when this Government was not in power.

Shri Kamath: After it came to power in 1947, or in 1946 September when the Interim Government was in power, was not the Indian Military Mission instructed by Government to get or try to get the information in this connection from the Soviet authorities in Germany?

Shri Jawaharlal Nehru: No, Sir. What the Mission was instructed was to get information about Indians in Germany. And we got information at that time because we were offering them free passages to come back to India. A number of people came back; a number did not come back. But we did not ask for the information asked for by the hon. Member in this question.

Shri Kamath: Am I to understand that all the information from Germany pertained to the tripartite or Three Power Zone of Germany and not at all to East Germany?

Shri Jawaharlal Nehru: As far as we knew at the time there were no Indians there—might be one or two—but we had no precise information.

Shri Kamath: Are efforts being continued in this connection at all to get information?

Shri Jawaharlal Nehru: The hon. Member has been informed that we are enquiring. But there is nothing

much to enquire about. That is our difficulty.

TRAINING INSTITUTE FOR WOMEN

*1061. **Prof. Ranga:** (a) Will the Minister of Labour be pleased to state whether Government are running in Delhi a Training Institute for women?

(b) What crafts are being taught there and for how many students?

(c) How are the students recruited and from how many States?

(d) How much is being spent on this?

The Minister of Labour (Shri Jagjivan Ram): (a) Yes.

(b) Training is given in seven trades or crafts, namely: bleaching, dyeing and calico printing, knitting with hand and machines, cutting and tailoring, preservation of fruits and vegetables and manufacture of confectionery, embroidery and needle work, stenography and spinning and weaving. The number of trainees is 160.

(c) The recruitment is made after advertisement through a Selection Committee. The Institute is open to girls and women of all States. In actual practice, because of the situation of the Institute and the medium of instruction, which is Hindi in most trades, candidates from Delhi, Punjab and U.P. predominate.

(d) About Rs. 6,000 per mensem.

Prof. Ranga: May I know whether Government contemplate to make it a permanent Institute and also provide teaching, if necessary, in English also in order to make it possible for other States to take advantage of it?

Shri Jagjivan Ram: We have got some Training Centres in other States as well for women. We have got one in Madras. Of course the Ministry of Labour is very anxious to put the Institute on a permanent footing, but the financial stringency comes in the way.

Mr. Speaker: The question hour is over.

WRITTEN ANSWERS TO QUESTIONS

PABNA SATSANGH ASHRAM PRESS

*1062. **Dr. R. S. Singh:** (a) Will the Prime Minister be pleased to state whether it is a fact that the Government of East Bengal had agreed to pay a compensation of Rs. 32,000 for the

Press of the Pabna Satsangh Ashram which had been requisitioned by them in 1948?

(b) If so, has the payment of that compensation been made to the Pabna Satsangh Ashram by the Government of East Bengal?

(c) If not, do the Government of India propose to take up the matter with the Government of Pakistan?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). According to a representation submitted to the Government of West Bengal by the Pabna Satsangh authorities, the amount of compensation which the Government of East Bengal had agreed to pay for the press of the Ashram requisitioned by that Government in 1948 is Rs. 1,32,450. This amount has not so far been paid to the Ashram authorities.

(c) Our Central Minister at Calcutta has already taken up the matter with the Pakistan Central Minister. In a letter dated the 25th November, 1950, the latter has promised that he would take special interest to see that the matter is settled as quickly as possible.

COAL DEPOSITS IN MADRAS

*1063. **Prof. Ranga:** Will the Minister of Industry and Supply be pleased to state:

(a) whether large deposits of coal were discovered in South and North Arcot and Salem districts of Madras State;

(b) what steps are being taken to exploit those coal deposits; and

(c) whether any effort is being made to pump up and utilise for irrigation purposes through artesian wells the sub-soil water that is supposed to make the exploitation of these coal deposits both difficult and costly?

The Minister of Industry and Supply (Shri Mahtab): (a) Yes, in South Arcot District only.

(b) A statement is laid on the Table of the House [See Appendix IX, annexure No. 2.]

(c) The suggestion made has been conveyed to the Government of Madras who are concerned with the exploitation of the deposits.

PRODUCTION OF FERTILIZERS

*1064. **Prof. Ranga:** Will the Minister of Industry and Supply be pleased to state:

(a) whether it is a fact that at the meeting of the representatives of fertilisers industry held in October 1950

and attended by the Minister, it was stated that while the rated capacity of private sector is 80,000 tons per annum, only 46,000 tons of fertilisers are being produced; and

(b) what steps Government propose to take in order to enable the existing units to step up their production up to their full capacity?

The Minister of Industry and Supply (Shri Mahtab): (a) Perhaps the meeting referred to by the hon. Member is the one convened by the Planning Commission on 23rd October 1950. I did not attend this meeting. The figures given by the hon. Member are correct and they relate to ammonium sulphate.

(b) (i) All possible assistance is being rendered in the procurement of essential raw materials.

(ii) Transport facilities are provided, when necessary, for the movement of raw materials and finished products.

(iii) Government of India have advanced a sum of Rs. 20 lakhs to the Fertilisers and Chemical Travancore, Ltd., against future purchases of fertilisers by Government. With this advance, the factory, which has a rated capacity of approximately 50,000 tons per annum, will be able to step up production to the maximum extent.

RUBBER INDUSTRY

*1065. **Shri Abammedunni:** (a) Will the Minister of Industry and Supply be pleased to state if Government have given any financial aid to Indian rubber plantation industry for its development?

(b) Is there any control on the prices of rubber goods?

(c) If so, on what basis are such controlled prices fixed from time to time?

The Minister of Industry and Supply (Shri Mahtab): (a) No, Sir.

(b) No, Sir.

(c) Does not arise.

GOVERNMENT MANAGED INDUSTRIES

*1066. **Shri Abul Hasan:** (a) Will the Minister of Industry and Supply be pleased to state whether Industries whose management has been taken over by Government from private companies are working at a profit or loss?

(b) If they are working at a loss, what loss has each Industry suffered up till now?

(c) What steps are Government contemplating to adopt to save these industries from loss?

The Minister of Industry and Supply (Shri Mahtab): (a) The Hindustan Aircraft Factory at Bangalore, the only concern whose management was taken over by the Central Government from a private company, is working at a profit.

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

ELECTORAL ROLLS

*1067. **Shri Kannamwar:** Will the Minister of Law be pleased to state how much the price of the Electoral rolls per page has been reduced in each State?

The Minister of Law (Dr. Ambedkar): A statement containing the information available is laid on the Table of the House. [See Appendix IX, annexure No. 3.]

TOWNSHIP FOR DISPLACED PERSONS IN ASSAM

*1068. **Shri R. K. Chaudhuri:** Will the Minister of Rehabilitation be pleased to state why no township for rehabilitation of displaced persons has been built in the State of Assam so far?

The Minister of State for Rehabilitation (Shri A. P. Jain): A scheme for the construction of 500 houses and 400 stalls at Gauhati has been sanctioned. Some work was started on the scheme but, presumably because of the pre-occupations of the Assam Government with the consequences of the earthquake, further progress has been delayed. It is hoped that the scheme will be implemented soon. Another scheme for the construction of a municipal market in Nowgong, is under consideration of the State Government.

In Cachar, where relief and rehabilitation are under the direct charge of the Central Government, two schemes for the construction of stalls within the municipal areas of Silchar and Karimganj are under consideration. There was also a scheme for the setting up of a township at Ghungoor (Cachar) with a population of 25,000, but this had to be dropped on expert advice.

MINIMUM WAGES FOR SWEEPERS

*1069. **Shri Sonavane:** (a) Will the Minister of Labour be pleased to state whether Government have given any directions under the Minimum Wages Act to the various States for fixing minimum wages for sweepers in the various States?

(b) If not, is there any proposal to issue such directions?

(c) Is there any information available as regards fixation of minimum

wages for sweepers by the Government of Bombay and other local authorities in Bombay State?

(d) If so, whether Government propose to lay a statement containing such information on the Table of the House?

The Minister of Labour (Shri Jagjivan Ram): (a) The fixation of minimum rates of wages for sweepers, employed in any of the scheduled employment under the Minimum Wages Act is the concern of the State Governments. All the State Governments have been requested to discharge all their obligations under this Act before the expiry of the prescribed time limit i.e. before the 15th March 1951.

(b) Does not arise.

(c) and (d). The Government of Bombay have appointed a Committee to study and enquire into the conditions of sweepers and to suggest ways and means of improving their present conditions of work and to fix minimum wages for them. As far as the Government of India is aware, the Committee has not, so far, submitted its report. I may mention that the Government of Bombay have also appointed a Committee under section 5 (1) (a) of the Minimum Wages Act, 1948, to hold enquiries and to advise in regard to the fixation of minimum rates of wages in respect of 'Employment under any local authority' under which the sweepers fall. Other State Governments have also taken steps to appoint similar Committees.

AFGHAN PRINCES IN INDIA

***1070. Shri Shiv Charan Lal:** (a) Will the Prime Minister be pleased to state whether any Afghan Princes are still detained in Allahabad or any other place in the country?

(b) Are any pensions paid to these Princes and if so, why and under what treaties?

The Prime Minister (Shri Jawaharlal Nehru): (a) None, Sir.

(b) Yes. The Afghan refugees took asylum in India. The responsibility resting on the Government of India for the safe keeping of such refugees, although not an explicit treaty obligation, was admitted to be implied in the observance of neighbourly relations. They were accordingly paid maintenance allowances. It would cause hardship and inconvenience to the refugees if their allowances were to be suddenly stopped.

PRICE OF COAL IN BENGAL AND HYDERABAD

***1071. Shri K. Vaidya:** (a) Will the Minister of Industry and Supply be pleased to state what is the price of Coal on the pits in Bengal and also at Singareni Colliery in Hyderabad State?

(b) If the prices at Singareni Colliery are higher, what is the reason for the same?

(c) Is the management of Singareni Colliery in the hands of Hyderabad Government?

The Minister of Industry and Supply (Shri Mahtab): (a). A statement is placed on the Table of the House [See Appendix IX, annexure No. 4].

(b) The production cost per ton at Singareni Colliery is higher.

(c) Yes.

HARIJAN DISPLACED PERSONS

***1072. Shri Balmiki:** (a) Will the Minister of Rehabilitation be pleased to state how many Harijan displaced persons have been allotted lands in each State since 1949?

(b) What facilities are being given to Harijan agriculturists who have come from West Pakistan?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) A statement showing the number of Harijan families who have been allotted lands in the various States through the displaced Harijans Rehabilitation Board is placed on the Table of the House. No separate records are maintained of the number of Harijan families allotted lands under the general scheme of allotment.

(b) The Harijan agriculturists are given the same facilities as are given to other displaced agriculturists namely an area of land constituting an economic holding and loans for the purchase of bullocks, agricultural implements, seeds, fodder, repair or construction of houses and wells and for maintenance of the family till the first harvest is reaped.

STATEMENT

Name of State.	Number of displaced families.
Rajasthan	10,332
Bombay	795
Punjab	1,000 (Approximately)
Bengal	392
Madhya Bharat	2
Total	12,521

BUDGET FOR 1951-52

*1073. **Shri Kannamwar:** Will the Prime Minister be pleased to state:

(a) whether the ensuing year's budgets of both Centre and States are to be framed on the basis of the recommendations of the Planning Commission; and

(b) whether the State Governments have been instructed to prepare their budgets within their means and send the plans of their own for the approval of the Planning Commission?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). The Planning Commission have not thus far made any recommendations. They hope to consider the development plans for the next five years from the Central and State Governments and make their recommendations in regard to them to the Governments concerned, which no doubt will take them into consideration before finalising their budgets for the ensuing year.

INDUSTRIAL DISPUTES

*1074. **Shri Balmiki:** Will the Minister of Labour be pleased to state:

(a) the industrial disputes reported in the years 1949 and 1950, showing the disputes in cotton, woollen and silk mills respectively; and

(b) whether it is a fact that disputes relating to wages and bonus have slightly decreased?

The Minister of Labour (Shri Jagjivan Ram): (a) During 1949, there were 185 industrial disputes in the cotton mill industry and 63 in the group "textiles other than cotton and jute" which includes woollen mills, silk mills, etc. During the first nine months of 1950, the corresponding figures were 135 and 58 respectively.

(b) Yes. The number of disputes relating to wages and bonus during the first nine months of 1950 was 220 as against 268 during the corresponding period of 1949.

These figures relate to all industries and not merely to the textile industry.

MANUFACTURE OF TUBE WELL PUMPS

*1075. **Shri Jajoo:** (a) Will the Minister of Industry and Supply be pleased to state whether Government have considered the question of installing a plant to manufacture tube well pumps?

(b) If the answer to part (a) above be in the affirmative, what progress has been made so far in this direction?

(c) If the answer to part (a) above be in the negative, do Government propose to consider this proposal now?

The Minister of Industry and Supply (Shri Mahtab): (a) No.

(b) Does not arise.

(c) No; private enterprise is interested in this industry.

FRENCH SETTLEMENTS IN INDIA

*1076. **Shri Balmiki:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that Dr. B. V. Keskar, Deputy Minister for External Affairs, had a talk with the French Foreign Minister, M. Robert Schuman, in Paris regarding the future of French Settlements; and

(b) if so, with what results?

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

(b) It is not the usual practice to reveal the nature of such informal conversations.

पन्ना की हीरे की खानें

१०७७ श्री आर० वृत्त० तिवारी : (ए) श्री मंत्री यह बतलाने की कृपा करेंगे कि क्या सरकार को ज्ञात है कि पन्ना की हीरे की खानों में दीवारों के यकायक गिर जाने के फलस्वरूप अनेकों खनिकों की मृत्यु हो जाती है ;

(बी) यदि ऐसा है तो, उनकी सुरक्षा के लिये क्या उपाय किये गये हैं ;

(सी) यदि कोई योजना तैयार की गई है तो उसकी रूपरेखा क्या है, तथा

(डी) यदि कोई योजना तैयार नहीं की गई है तो इसे तैयार करने में कितना समय लगेगा ?

PANNA DIAMOND MINES

[*1077. **Shri R. S. Tewari:** (a) Will the Minister of Labour be pleased to state whether Government are aware of the fact that many miners die as a result of sudden collapse of the walls in the diamond mines of Panna?

(b) If so, what measures have been adopted for their safety?

(c) If any plan has been prepared, what is its outline?

(d) If no plan has been prepared, how long will it take to prepare one?]

The Minister of Labour (Shri Jagjivan Ram): (a) A serious accident resulting in the death of six miners took place on the 8th July 1950. It was due to faulty methods of mining. Though the Indian Mines Act, 1923 became applicable to the mine on the 16th April 1950, it had not been possible for the Inspectors of the Mines Department to inspect the mine before the date of the accident. The question of the prosecution of the owners is under consideration.

(b) to (d). Steps are being taken to enforce the provisions of the Indian Mines Act which are adequate to ensure safety.

KASHMIR LIBERATION PLEDGE

***1078. Shri Raj Kanwar:** Will the Prime Minister be pleased to state:

(a) whether Government have any information with regard to Pakistan's "Kashmir Liberation Pledge", a movement about which it is believed that there has been considerable publicity in the Pakistan Press;

(b) if so, what are its details; and

(c) whether there has been any correspondence about it between India and Pakistan?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b): Government have seen reports in the Pakistan Press of a campaign organized by a body called the Motamiri-i-Alam-i-Islami (World Muslim Conference) which has been recently established in Pakistan with some prominent Pakistan nationals as its office bearers. It is stated that the Muslim Conference has been collecting signatures for a so-called Kashmir Liberation Pledge.

Much publicity has been given in the Pakistan press and radio to the signature campaign. It is claimed that the pledge has been signed by large number of Muslims in various countries. Enquiries made by us, however, show that the campaign for signatures did not receive any public or general support in other countries. It appears that many of the signatures were obtained in Pakistan itself from foreign residents or visitors.

(c) There has been no correspondence with Pakistan on this subject nor is any correspondence considered necessary. We have, however, on more

than one occasion drawn the Pakistan Government's attention to the continuance of anti-Indian propaganda in a large section of the Pakistan press.

STEEL (IMPORT)

***1079. Shri Jainarain Vyas:** (a) Will the Minister of Industry and Supply be pleased to state what quantity of steel was imported into India during the current Budget year from France and Belgium and what did India pay for the quantities imported?

(b) Were there any offers from merchants in this country or other countries to supply the same material at cheaper prices and if so, why were those offers rejected?

The Minister of Industry and Supply (Shri Mahtab): (a) 123,623 tons at Rs. 382 lakhs.

(b) No, Sir.

BIDI INDUSTRY

***1080. Shri Kannamwar:** (a) Will the Minister of Industry and Supply be pleased to state to how many foreign countries Bidis are exported?

(b) What help do Government propose to give to the Bidi trade in India?

(c) How many Bidi producing factories are there in India and how many labourers are working therein?

(d) Have Government received any representation from the Bidi leaves, Tobacco and Bidi Merchants Association of Gondia in Madhya Pradesh to redress their grievances?

The Minister of Industry and Supply (Shri Mahtab): (a) Bidis are exported mainly to Pakistan and Ceylon.

(b) The Bidi Trade in India has not so far asked for any assistance.

(c) The number of Bidi-producing units is estimated to be 4,500 employing about 500,000 workers.

(d) A representation was received in 1949 against the application of the Industrial Statistics Act, 1942 to the Bidi Industry. They were advised to take up the matter with the State Government.

COAL

***1081. Shri R. L. Malviya:** Will the Minister of Industry and Supply be pleased to state:

(a) the cost per ton of coal in Government Railway Collieries for three years before and after the abolition of contract system;

(b) the cost per ton of coal in the Government Railway Kuroslia Colliery in the years 1945, 1946 and 1947 before the abolition of contract system and in the years 1948, 1949 and 1950 month by month after the abolition of the contract system; and

(c) the output of coal per head two years before the abolition of raising contract system and after it up to date?

The Minister of Industry and Supply (Shri Mahtab): (a) to (c). Two statements are placed on the Table of the House [See Appendix IX, annexure No. 5.]

Figures are maintained by financial years only. Cost per ton is calculated yearly and not month by month.

INDUSTRIES FOR DISPLACED PERSONS

*1082. Shri Balwant Sinha Mehta:

(a) Will the Minister of Rehabilitation be pleased to state what sort of Industries are proposed to be introduced for the economic development of displaced persons in Rajasthan?

(b) How will they be financed and in what amount?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) A number of small-scale industries like weaving, Iron and steel fabrication, Biscuits and confectionery, Oil Mills, Printing Press, Dairy Farming, etc. have been introduced and are being introduced through State assistance.

(b) Industries mentioned in reply to part (a) have been financed under the Small Urban Loans Schemes. A sum of Rs. 39 lakhs has been sanctioned to the Rajasthan Government for purposes of the scheme; but some of this amount will be utilised for giving loans to shopkeepers also. Under this scheme loans up to Rs. 5,000 may be given by the State Government to displaced persons wishing to start an industry or business. The Rehabilitation Finance Administration have sanctioned loans aggregating Rs. 10,98,000 to 114 parties of displaced persons in Rajasthan. This Administration gives loans exceeding Rs. 5,000 in amount for setting up business and industry.

HEALTH SURVEY OF WORKERS

*1083. Shri Puli Ramaswamy: (a) Will the Minister of Labour be pleased to state whether any health survey of industrial workers has been undertaken at any time?

(b) Has such survey taken place in Hyderabad and if so when?

(c) Is there any such report published?

The Minister of Labour (Shri Jagjivan Ram): (a) No health survey of the industrial workers has so far been carried out.

The Chief Adviser Factories proposes to carry out a preliminary survey of the health hazards in certain specified industries in the country. The object of the study is to obtain general information concerning conditions of environment associated with the various occupations which potentially may have an effect on the health of the workers. Such facts are needed to make an appraisal of the occupational disease problem.

To start with, a detailed survey has been undertaken by the Chief Adviser Factories in the Electrical Accumulator manufacturing factories and in the Bichromate industry. The experience gained in conducting the survey in these two industries would be of much value in planning surveys in the other industries.

(c) and (d). No.

STALLS ON LADY HARDINGE ROAD

*1084. Shri Kishorimohan Tripathi:

(a) Will the Minister of Rehabilitation be pleased to state whether the stalls erected for the rehabilitation of displaced persons on Lady Hardinge Road in New Delhi and other places are only on a temporary basis?

(b) What is the period for which they have been given to displaced persons?

(c) At whose cost have the stalls been erected and to whom does the land belong?

(d) Is it a fact that Government propose to evict the displaced persons from the stalls at the end of a specified period?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Yes.

(b) No period has been specified.

(c) The stalls have been constructed by the New Delhi Municipal Committee at their own cost.

These stalls except on Babar Road and Baird Lane are situated on the road berm which belong to the New Delhi Municipal Committee. The site at Babar Road has been taken on lease from the Land and Development officer, and that on Baird Lane Old Market belongs to the New Delhi Municipal Committee.

(d) Does not arise at this stage.

COTTON

*1085. **Shri Dwivedi:** (a) Will the Minister of Commerce be pleased to state what is the quantity of cotton produced in India in 1949-50 crop, as raw material for (i) inland consumption; or (ii) export?

(b) What is the proportion of its internal consumption and export to other countries?

(c) Was export permitted?

(d) If so, what quantity has been exported and to what country?

The Minister of Commerce (Shri Sri Prakasa): (a) The figures of internal consumption and exports out of the 1949-50 Indian cotton crop were 25,44,174 bales and 2,40,313 bales respectively. The total production for that year was 29,71,000 bales.

(b) During 1949-50, the internal consumption was 85 per cent. of total production, and export to other countries 8 per cent. of total production.

(c) Yes.

(d) I lay on the Table of the House a Statement showing the required information [See Appendix IX, annexure No. 6.]

APPEALS DECIDED BY CUSTODIAN
GENERAL

*1086. **Shri Hussain Imam:** Will the Minister of Rehabilitation be pleased to state:

(a) the number of appeals received by the Custodian General before Act XXXI of 1950 was passed on 17th April 1950;

(b) the number of appeals decided up to 17th April 1950 and the number of appeals rejected;

(c) the number of appeals decided from 18th April 1950 to 30th November 1950 and how many of these were rejected;

(d) the number of appeals received between 18th April 1950 and 30th November 1950, the number decided, the number rejected and the number pending;

(e) the number of cases called up from each State from 1st September 1949 to 30th November 1950 (under his revisionary jurisdiction) and the number of Judgments of lower authorities upheld and reversed; and

(f) whether the decisions of Custodian General are published in Law Reports just as High Court Rulings are published and if not, what arrangement have Government made for their publication?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) 44

(b) Decided—14

Rejected—13

(c) Decided—83

Rejected—74

(d) Received—105

Decided—57

Rejected—48

Pending—52 (including pending cases received before 18th April 1950).

(e) A statement is placed on the table of the House [See Appendix IX, annexure No. 7.]

(f) No. At present copies of important decisions of the Custodian General are circulated to all Custodians.

LOAN TO DISPLACED AGRICULTURISTS

*1087. **Ch. Ranbir Singh:** Will the Minister of Rehabilitation be pleased to state:

(a) the loan advanced by the Central Government to displaced tenants or agriculturists so far;

(b) the rate at which loan is advanced to them; and

(c) the conditions for the repayment of loan?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) The total amount of rural loans so far advanced to the displaced persons from Western Pakistan is Rs. 8,65,95,000/-. The information regarding amount of loans advanced to Displaced persons from Eastern Pakistan is being collected.

(b) Generally the rate of loan is Rs. 1,162 per family, but where the reclamation of land and construction of new houses for settlers is necessary the amount of loan per family is suitably increased.

(c) Information is being collected and will be laid on the Table of the House.

NATIONAL COAL COMMISSION

*1088. **Shri R. L. Malviya:** (a) Will the Minister of Industry and Supply be pleased to refer to the answer given to my starred question No. 407 on the 14th August 1950 regarding recommendations of Railway Collieries Enquiry Committee and state whether Government propose to establish a National Coal Commission?

(b) If so, when is the proposed Coal Commission likely to be formed?

The Minister of Industry and Supply (Shri Mahtab): (a) The proposal is still under consideration.

(b) Does not arise.

SELF-RAISING FLOUR (IMPORT)

*1089. **Shri Kamath:** Will the Minister of Commerce be pleased to state:

(a) whether it is a fact that licences have been or are being issued to merchants for the import of second quality of wheat flour under the name of self-raising flour;

(b) whether the flour has been tested for its nutritive value;

(c) the landed cost of the flour per lb.; and

(d) the sale price per lb. in the Indian market?

The Deputy Minister of Commerce (Shri Karmarkar): (a) Licences are issued, for the import from Soft currency countries only of Self-raising flour as distinct from Wheat flour. No licences are issued for importing wheat flour.

(b) As the imports of Self-raising flour take place on commercial account only there has been no occasion for the Government to test its nutritive value.

(c) The landed cost inclusive of Customs duty at the rate of 30 per cent. ad valorem is Re. 0-5-9 per lb. of Self-raising flour from Australia.

(d) The Selling price of Self-raising flour from Australia is Re. 0-7-7 per lb.

PENSION TO FAMILY OF COL. UNNI NAIR

*1090. **Shri Joachim Alva:** Will the Prime Minister be pleased to refer to the answer given to starred question No. 447 on the 28th November, 1950, and state what compensation will be awarded to the family of late Col. Unni Nair who lost his life whilst on duty?

The Prime Minister (Shri Jawaharlal Nehru): The Government have provisionally decided to pay the following to the members of Col. Unni Nayar's family:

To the widow :	
Gratuity ...	Rs. 4,800/- representing three months' pay of the late Col. Nayar.
Pension	A monthly pension of Rs. 200/- with effect from the 13th August, 1950, until her death or, should she decide to remarry, until the date of such marriage, whichever takes place earlier.

To the daughter (2 years old) of Col. Nair:
Pension

A monthly pension of Rs. 25/- with effect from 13th August, 1950, till her marriage or until she attains the age of 21, whichever occurs earlier.

WHEAT FLOUR FOR BISCUIT FACTORIES

*1091. **Shri Joachim Alva:** (a) Will the Minister of Industry and Supply be pleased to state whether Government are aware that Biscuit factories all over India have not been allotted wheat flour for November and December, 1950, and that consequently they are faced with a prolonged closure which will throw over 10,000 workers out of employment in the next few days?

(b) what action do Government intend to take in this matter?

The Minister of Industry and Supply (Shri Mahtab): (a) It is correct that no wheat flour has been allotted to Biscuit factories anywhere in India in December, 1950, but 500 tons of wheat flour was allotted in November 1950.

(b) Arrangements for the milling of about 5,000 tons of flour per month at Bombay are being finalised and the possibility for the milling of an additional quantity at Calcutta and other places is being examined. It is hoped that wheat flour will be available to Biscuit factories as regularly as practicable with effect from January, 1951.

BRITISH TEXTILE DELEGATION (VISIT TO DELHI)

*1092. **Shri Rathnaswamy:** (a) Will the Minister of Industry and Supply be pleased to state whether it is a fact that a British Textile Delegation is visiting Delhi shortly?

(b) What are the objects of the visit of this delegation?

The Minister of Industry and Supply (Shri Mahtab): (a) Yes, the Delegation has already visited Delhi.

(b) A British Cotton Textile Industry Delegation was on a visit to India at the invitation of the Bombay Mill-owners' Association and other representative Cotton Textile Associations in the Country. It was a purely unofficial delegation not sponsored by Government. The main purpose of the delegation was to exchange views on subjects of common interest to the textile industry in both the United Kingdom and India. They have stated

that their object is to foster closer co-operation between the industries in the two countries in all vital matters including exports of their finished products.

DISPLACED LAND OWNERS FROM BAHAWALPUR

***1093. Babi Ramnarayan Singh:**

(a) Will the Minister of Rehabilitation be pleased to state whether the Bahawalpuri land owners have been treated in regard to allotment of agricultural lands at par with the displaced persons from West Punjab and if not, why not?

(b) Why have they been denied this privilege in the (East) Punjab States?

(c) If sufficient land was not available in East Punjab, what are the alternative proposals before Government for those Bahawalpuri land owners who have been deprived of this privilege in Punjab (I) and PEPSU?

(d) Is it a fact that Bahawalpuris who have been allotted a few acres of land in Delhi State (Chhatarpur) have been served with surrender notices on the ground that they are not living on the site?

(e) If the answer to part (d) above be in the affirmative, do Government propose to ensure that full rural rehabilitation benefits are given to them before the execution of any such cancellation order?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Agricultural land in Punjab (I) and PEPSU was reserved for allotment to land owners of Punjab (P) and of Punjabi extraction in other parts of West Pakistan, and as such Bahawalpuri land-owners of Punjabi extraction alone have been treated at par with the displaced land-owners of the West Punjab.

(b) and (c). Because of the limitation of the land available the Bahawalpuris and displaced persons from N.W.F.P., Baluchistan and Sind could not be accommodated for land allotment in Punjab (I) and PEPSU. The Bahawalpuris have been permitted to include their agricultural lands in the claims recently invited under the Displaced Persons (Claims) Act, 1950, and the question of allotting land to them on a more permanent basis will be decided after the assessment of these claims. In the meantime, such of them as are willing to accept allotment of small areas of land on a temporary basis have been allotted lands in Rajasthan and other States.

(d) It is a fact that Bahawalpuri displaced persons who were allotted land in Chhatarpur (Delhi State) have been served with notices of eviction as they failed to comply with the condition of allotment, namely, that they should go to settle in the village, although they were offered evacuee houses available in the village. No loans could be advanced to them unless they fulfilled the conditions of allotment.

(e) As the displaced persons concerned failed to fulfil the conditions of allotment, it is not possible to allow them any facilities for rural rehabilitation.

EVACUEE PROPERTIES

***1093-A. Shri Hussain Imam:** Will the Minister of Rehabilitation be pleased to lay on the Table of the House a statement giving the details of the income from and expenses on urban evacuee properties of each of the Parts A, B and C States in the first six months of this year or six months prior to that (whatever is available)?

The Minister of State for Rehabilitation (Shri A. P. Jain): The information is being collected and a statement will be placed on the Table of the House.

EVICITION FROM EVACUEE LANDS

***1093-B. Ch. Ranbir Singh:** (a) Will the Minister of Rehabilitation be pleased to state the number of pre-partition tenants ejected from evacuee lands, who were settling on those lands since long ago?

(b) What were the reasons for their ejection?

(c) Is it also a fact that some of these tenants, who even signed the contract of *Qabuliat Namas*, are being ejected from the evacuee lands?

(d) What is the number of acres turned into fallow land, which were under cultivation by these tenants prior to Partition of the country?

(e) Is it also a fact that most of these who apply for ejection of the sitting tenants do not propose to bring it under their own ploughs?

(f) If so, what steps do Government propose to take to see that the pre-partition sitting tenants are not harassed?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) No pre-partition tenants have been ejected from the evacuee lands.

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

(d) Nil in the case of Tripura, Orissa, Travancore-Cochin, Vindhya Pradesh, Bombay, Manipur, Delhi and Ajmer. Information from other states is not available.

(e) and (f). Do not arise.

INTERVIEW OF APPLICANTS FOR
IMPORT LICENCES

63. **Shri Himatsingka**: Will the Minister of Commerce be pleased to state:

(a) whether the grant of interviews by officials to applicants for import licences has been completely stopped in (i) the office of the Chief Controller of Imports, and (ii) the offices of the Deputy Chief Controllers of Imports at the different ports;

(b) if so, the circumstances leading to such a course of action;

(c) whether Government have received any complaint against the stoppage of interviews; and

(d) whether and when Government propose to remove the restriction and restore granting of interviews?

The Minister of Commerce (Shri Sri Prakasa): (a) (i) No, Sir.

(ii) No, Sir.

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

I should like to add that interviews had to be restricted for some time due to large accumulation of work in the office in the matter of disposal of applications. Interviews have now been restored to the normal scale.

TRADE WITH SPAIN

64. **Shri Kamath**: Will the Minister of Commerce be pleased to state:

(a) the volume of India's trade with Spain during the years 1947, 1948 and 1949; and

(b) the terms and conditions of the recent Indo-Spanish trade agreement?

The Minister of Commerce (Shri Sri Prakasa): (a) A statement giving the required information is placed on the Table of the House [See Appendix IX, annexure No. 8.]

(b) No Trade Agreement has yet been entered into with Spain though some talks were held last September.

MADHYA PRADESH COAL MINES DISPUTE

65. **Shri Kamath**: Will the Minister of Labour be pleased to state:

(a) whether it is a fact that a Fact-finding Committee was appointed some months ago to inquire into the Madhya Pradesh Coal Mines dispute;

(b) whether the Committee has submitted its report; and

(c) if so, what are its main findings?

The Minister of Labour (Shri Jagjivan Ram): (a) No. A Fact finding Committee was, however, appointed to report on the grant of monetary benefits and other concessions to colliery workers in C.P. in May, 1947. Its report was published on the 10th October, 1947.

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

RUBBER BELTING

66. **Shri Kamath**: Will the Minister of Commerce be pleased to state:

(a) how much rubber belting is manufactured in India;

(b) whether it is a fact that production of the belting here is sufficient to meet Indian requirements; and

(c) the reasons for placing this item on O.G.L.?

The Minister of Commerce (Shri Sri Prakasa): (a) Rubber beltings such as Balata belting and V-Belts are not manufactured in India. Rubber Conveyor belting and Rubber ply transmission beltings are also not manufactured in India. But there is sufficient capacity for the manufacture of solid woven rubberised cotton beltings which can be used as substitutes for rubber ply transmission belting.

(b) Although sufficient capacity exists in the country for the manufacture of solid woven cotton and rubberised beltings, but the actual production is less than the indigenous requirements.

(c) The item "Rubber Belting" as such is not in Open General Licence. The Open General Licence applies only to "Conveyor Belting which includes Rubber Conveyor Belting." Conveyor Belting has been placed on O.G.L. in order to allow importers an opportunity to lay in stocks in view of the international situation.

EXPLOSION OF *Indian Enterprise*
(COMPENSATION CLAIMS FROM DEPENDANTS OF VICTIMS)

67. **Shri Kamath**: Will the Minister of Commerce be pleased to state:

(a) whether any claims for compensation have been received from the dependants of those who perished in the explosion of *S. S. Indian Enterprise* in the Red Sea a few months ago; and

(b) if so, whether the claims have been settled?

The Minister of Commerce (Shri Sri Prakasa): (a) and (b). It is understood that the compensation payable to the dependants of the deceased Seamen has been deposited by the India Steamship Company, Calcutta, with the Commissioner, Workmen's Compensation, West Bengal, and that actual payments of compensation have been made in two cases. The other cases are under investigation.

DISPLACED PERSONS IN STATES

68. Prof. K. T. Shah: (a) Will the Minister of Rehabilitation be pleased to state how many displaced persons have been settled in the former Indian States of Rajasthan, Saurashtra, Kutch and Madhya Pradesh?

(b) What concessions in land and other facilities have been given to such settlers, and how far have they been utilised up-to-date?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Governmental assistance towards resettlement has been provided as follows:

Rajasthan.—

(i) 38,600 families have been resettled on land. Generally 10 to 20 acres have been allotted to each family. A sum of Rs. 1.67 crores has been granted to them as Taccavi loans.

(ii) Loans have been granted to 18,255 displaced families for urban resettlement. A sum of Rs. 84 lakhs has been granted for the purpose.

Saurashtra.—

(i) 245 families have been settled on agricultural land, each family being allotted approximately 20 acres. The total of rural loans distributed is Rs. 3 lakhs.

(ii) 7,130 families have been granted urban loans amounting to Rs. 31 lakhs.

Former Indian States included in Madhya Pradesh.—

1380 families settled in urban areas. Government facilities for resettlement have been in the nature of loans, permits and licences for controlled commodities and residential and business accommodation constructed by Government.

Kutch.—

310 families have been settled on land and Rs. 1.4 lakh have been advanced as taccavi loans to them.

1400 families have been resettled in the new township which is being constructed at Gandhidham, Kandla.

(b) The facilities given have been detailed under (a) above.

COTTON (IMPORT)

69. Dr. R. S. Singh: Will the Minister of Commerce be pleased to state:

(a) the annual average number of cotton bales which are imported into India;

(b) the names of countries from which cotton is imported into India; and

(c) how do the import prices of cotton from various countries compare with one another?

The Minister of Commerce (Shri Sri Prakasa): (a) The arithmetical average for the 3 years 1947-48 to 1949-50, is 8,26,000 bales (of 392 lbs. nett).

(b) Raw cotton is generally imported into India from the following countries:

Egypt

East Africa (Uganda, Kenya and Tanganyika).

Anglo-Egyptian Sudan.

United States of America.

Brazil.

Peru.

Pakistan.

(c) I lay on the Table of the House a statement showing the value per bale of cotton imported from various sources during the 3 years 1948-49, 1949-50 and 1950-51, calculated on the basis of the total quantity and value of the cotton imported [See Appendix IX, annexure No. 9.]

INDIANS ARRESTED IN MALAYA

70. Dr. R. S. Singh: Will the Prime Minister be pleased to state how many Indians arrested in Malaya since January, 1947 have been prosecuted so far?

The Prime Minister (Shri Jawaharlal Nehru): About 1000 Indians have been arrested in Malaya since January 1947, mainly under the Emergency Regulations which provide for preventive detention. Out of these, about 200 have been released by Committees of

Review. Many others have elected to be repatriated to India, as an alternative to detention.

Some Indians have been tried in Criminal Courts for such offences as possession of arms, explosives and communist documents etc. Although exact figures are not known, their number is small.

MINE WORKERS (EARNINGS)

71. Shri Balmiki: Will the Minister of Labour be pleased to state:

(a) the average annual and monthly earnings of workers in Gold, Mica and Manganese Mines in the years 1947-1948, 1948-1949 and 1949-1950;

(b) whether any bonus was given to the workers in these periods; and

(c) if so, on what basis it was given to them?

The Minister of Labour (Shri Jagjivan Ram): (a) to (c). A statement giving the information as far as it is available is laid on the Table of the House. [See Appendix IX, annexure No. 10.]

LABOURERS FOR DEFENCE WORKS

72. Shri Balmiki: Will the Minister of Labour be pleased to state:

(a) how many unskilled labourers were recruited through Employment Exchanges for employment on defence works located in each State in the years 1949 and 1950;

(b) how far the consideration is being given to scheduled castes unskilled labourers; and

(c) what measures are taken by Government to give impetus to the unskilled labourers?

The Minister of Labour (Shri Jagjivan Ram): (a) The information is not available.

(b) Every endeavour is made by the Employment Exchanges to place in employment unskilled scheduled caste applicants who seek employment assistance.

(c) Unskilled labourers are registered and placed by Employment Exchanges in the same way as other categories of employment seekers and are shown all possible consideration. Large employers of unskilled labour are being constantly persuaded to recruit men through the Employment Exchange Organisation.

LETTER OF CREDIT FOR PURCHASE OF FERTILISERS

73. Shri Kamati: Will the Minister of Industry and Supply be pleased to state:

(a) whether it is a fact that a letter of credit was granted, in 1949 to a British citizen in the United Kingdom for the purchase of fertilisers to be despatched to India;

(b) the value of the letter of credit in million sterling, and the date thereof;

(c) whether the letter of credit was subsequently withdrawn or cancelled; if so, why and after how many months; and

(d) the total amount paid by Government by way of interest and bank charges, till the letter of credit was cancelled?

The Minister of Industry and Supply (Shri Mahtab): (a) A letter of credit was granted in 1949 to a registered company, not to a British citizen in U. K., in connection with a Government contract for the purchase of fertilizers to be despatched to India.

(b) The letter of credit was for 9.25 million pounds sterling, and was opened in favour of the U.K. firm on the 29th July 1949.

(c) The request to cancel the letter of credit was made on 21st December 1949 but the U.K. firm refused to issue the requisite letter of renunciation, as the letter of credit was irrevocable and was valid up to the 31st July 1950.

The reason for requesting cancellation of the letter of credit was the supplier's inability to perform the contract according to the terms and conditions specified therein, and also their demand for increased price on account of devaluation.

(d) No interest or bank charges were paid by Government as the letter of credit was opened in U.K. by the Reserve Bank of India.

IMPORT LICENCES

73-A. Shri Himatsingka: (a) Will the Minister of Commerce be pleased to state:

(i) What is the total number of applications for whom licences have been issued, for the July-December 1950 shipping period; and

(ii) the total number of applicants for whom licences have been issued, indicating the remaining number to be disposed of, together with the break-up numbers for different ports?

(b) What are the reasons for the delay in the disposal of the remaining applications?

The Minister of Commerce (Shri Sri Prakasa): (a) (i) 1,03,865 applications for licences for the July-December 1950 licensing period and in respect of advance licensing for January-June 1951 licensing period had been received up to the 30th November 1950, for which period precise statistics are available at present.

(ii) Against the applications referred to in (i) above, licences have been issued in 58,868 cases, 11,952 applications have been rejected while 33,045 applications remained to be disposed of as on the 1st December 1950. A statement showing the break-up figures for different ports is laid down on the Table [See Appendix IX, annexure No. 11.]

(b) The delay in the disposal of the remaining applications is mainly due to the fact that almost all the applications now pending at Delhi, Calcutta and Madras were received in the latter half of November 1950. The delay in the disposal of applications at Bombay is due to the receipt of a large number of applications than originally estimated and to cope with which the existing staff was found to be inadequate. Additional assistance has been

provided for the Bombay office to enable them to dispose of the main bulk of the pending cases as soon as possible.

INDIAN ENVOY AT SINKIANG

73-B. Shri Kamath: Will the Prime Minister be pleased to state:

(a) whether it is a fact that the Chinese Government has refused accreditation to the Indian envoy at Sinkiang;

(b) if so, whether any reasons have been given for that step by the Chinese authorities; and

(c) when exactly India's Consulate at Kashgar was closed?

The Prime Minister (Shri Jawaharlal Nehru): (a) to (c). The Indian Consulate at Kashgar has not been closed. A subordinate officer was left in charge when the previous incumbent left on the 11th September, 1950.

The Chinese Government are unwilling to accept the accreditation of the new incumbent till the question of the establishment of Consulates of other Nations in that part of the country has been settled.

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PARLIAMENTARY DEBATES

PARLIAMENT OF INDIA

OFFICIAL REPORT

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PARLIAMENTARY DEBATES

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

OFFICIAL REPORT

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PARLIAMENT OF INDIA

Tuesday, 19th December, 1950

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

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-42 A.M.

BUSINESS OF THE HOUSE

The Prime Minister and Leader of the House (Shri Jawaharlal Nehru): Hon. Members must naturally be interested to know as to how long the session is going to last. I am afraid, I cannot say precisely when this session will end. Originally, the date fixed was the 20th of this month, that is, tomorrow. But it is manifestly impossible to end the session then leaving out very important business which must be concluded. At the present moment, Government is prepared not to proceed with Bills which can be postponed, but there are some important Bills notably the Representation of the People (Amendment) Bill, which was postponed the other day and which I hope will come tomorrow. I hope that will not be too much. Then there is another Bill, the Representation of the People (No. 2) Bill, which is most important and it should be referred to a Select Committee during this session. Then there are one or two other matters, but more especially there are supplementary demands. It is very difficult for me to say how long they will take. It is for you, Sir, and for the House to determine how long they will take. So far as we are concerned, we would like all this business to be over by day after tomorrow, the 21st but, if it is not over, then, we must, I submit, inevitably go on to the next day or even beyond. It is because we must get through the Supplementary Demands, as well as refer the two Bills which I mentioned to Select Committees and

pass that one measure which has already been placed before the House. So I hope, it may be possible for the House to end this business on the 21st and if not, we can go for another day or two.

Mr. Speaker: That means the House may have to sit even on the 22nd which is a holiday. Let us be clear on that point.

Shri Jawaharlal Nehru: If it is not finished on the 21st, I submit that we must have to sit on the 22nd even though it is a holiday.

ELECTION TO COMMITTEES

INDIAN COUNCIL OF AGRICULTURAL RESEARCH

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

"That in pursuance of rule 2(6) of the revised rules of the Indian Council of Agricultural Research, the Members of this House do proceed to elect, in such manner as the hon. the Speaker may direct, three Members from amongst themselves to be members of the Indian Council of Agricultural Research in addition to the three members already elected by it, viz. (1) Dr. B. Pattabhi Sitaramayya, (2) Shri B. Shiva Rao and (3) Shri Devi Dutt Pant."

Mr. Speaker: The question is:

"That in pursuance of rule 2(6) of the revised rules of the Indian Council of Agricultural Research the Members of this House do proceed to elect, in such manner as the hon. the Speaker may direct, three Members from amongst themselves to be members of the Indian Council of Agricultural Research in addition to the three members already elected by it, viz. (1) Dr. B. Pattabhi Sitaramayya, (2) Shri B. Shiva Rao and (3) Shri Devi Dutt Pant."

The motion was adopted.

STANDING FINANCE COMMITTEE

The Minister of Finance (Shri C. D. Deshmukh): I beg to move:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one member from among themselves to serve on the Standing Finance Committee until the end of the financial year 1950-51, vice Shri Dattatraya Parashuram Karmarkar, resigned."

Mr. Speaker: The question is:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one member from among themselves to serve on the Standing Finance Committee until the end of the financial year 1950-51, vice Shri Dattatraya Parashuram Karmarkar, resigned."

The motion was adopted.

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

	Date for Nominations	Date for Election
(1) The Indian Council of Agricultural Research	20-12-50	21-12-50
(2) The Standing Finance Committee.		

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

FORWARD CONTRACTS (REGULATION) BILL

The Minister of Commerce (Shri Sri Prakasa): I beg to move for leave to introduce a Bill to provide for the regulation of certain matters relating to forward contracts, the prohibition of options in goods and for matters connected therewith.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the

regulation of certain matters relating to forward contracts, the prohibition of options in goods and for matters connected therewith."

The motion was adopted.

Shri Sri Prakasa: I introduce the Bill.

TAX ON NEWSPAPERS (SALES AND ADVERTISEMENTS) REPEAL BILL

The Minister of Finance (Shri C. D. Deshmukh): I beg to move for leave to introduce a Bill to provide for the repeal of certain State Laws in so far as they sanction the levy of taxes on the sale or purchase of newspapers and on advertisements published therein.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the repeal of certain State Laws in so far as they sanction the levy of taxes on the sale or purchase of newspapers and on advertisements published therein."

The motion was adopted.

Shri C. D. Deshmukh: I introduce the Bill.

BUSINESS OF THE HOUSE

Shri Sivan Pillay (Travancore-Cochin): On a point of privilege I wish to . . .

Mr. Speaker: Order, order. I have not permitted the hon. Member. He saw me and I said to him that, whatever he has to say he may say after some time, after I had an opportunity of seeing and knowing from the Chairman presiding, the state of facts. I have not yet considered it.

The House will now proceed to the other Legislative Business.

I understand that the order in which it is proposed by Government to take the Legislative business has undergone some change, I mean, the order of priority, and the following Bills will be taken in the following order and not according to the order given in the Order Paper today. Hon. Members should kindly make note of the sequence.

No. 16 in the Order Paper which is the State Railways Provident Fund (Temporary Provisions) Bill that will be taken first now.

No. 18 in the combined list of business for 18th and 19th December 1950—The Indian Nursing Council (Amendment) Bill.

No. 30 in the combined list—The Telegraph Wires (Unlawful Possession) Bill.

No. 20 in the combined list—The Khaddar (Protection of Name) Bill.

No. 24 in the combined list—The Coal Mines Provident Fund and Bonus Schemes (Amendment) Bill.

If there is time today, then we shall proceed to the other Bills. I trust hon. Members have followed the sequence now. The other Bills will of course be coming later on, if time permits.

Shri Sidhva (Madhya Pradesh): Am I to understand that these four Bills will be necessarily passed in this session? We understood from the Prime Minister that only two Bills and the Supplementary Demands...

Mr. Speaker: I have given the programme for today. Whatever can be put through has to be put through making the best use of the time.

Shri J. R. Kapoor (Uttar Pradesh): Do I take it, Sir, that the Representation of the People Bill (No. 2) will not be taken up today?

Mr. Speaker: That is what the hon. Prime Minister also said. He said that it is not coming till tomorrow.

Shri J. R. Kapoor: He referred to the previous Bill. I am referring to the bigger Bill.

Mr. Speaker: I think there is a confusion. The Bill which was postponed while the hon. Member was speaking, would be coming up tomorrow; it is not coming today. The other Bill which has been introduced will be coming in due course, for which the hon. Prime Minister said that he wanted to have a reference to the Select Committee in this session.

STATE RAILWAY PROVIDENT FUND (TEMPORARY PROVISIONS) BILL

The Minister of State for Transport and Railways (Shri Santhanam): I beg to move:

"That the Bill to make temporary provisions for the payment of moneys in the State Railway Provident Fund to dependants of deceased displaced persons, be taken into consideration."

This is a very simple Bill. I may say that it is a measure of mercy. Some of the displaced Railway employees are dead; but their records

have not been received from Pakistan. According to the Provident Fund Act, the money lying in the Provident Fund has to be paid to the person who has been nominated by the deceased person. It is only when there is no nomination that the money could be paid to the other dependents. In these cases, without the records, we do not know whether the displaced persons have made any nominations. This matter came up at the end of 1948. Then, we came to an agreement with Pakistan that the records should be exchanged on both sides. Some of the records were received and the Provident Fund amounts were disposed of in accordance with those records. Unfortunately, we have not received all the records and the dependents of those displaced persons whose records have not been received, have been in very great difficulty for the last two years. In fact, we wanted to bring in this Bill earlier; but hoping that the records will be received, it was delayed. For example, the present position on the E.P. Railway is this. There are 102 cases of deceased employees whose nominations have not been received from the North Western Railway. The entire content of the Bill is that in the case of the deceased displaced persons whose records have not been received from Pakistan, they will be treated as if they had made no nomination. The law will be the same. That is to say, we cannot hope to receive the nominations and therefore those dependents who would have received the Provident Fund amounts if there had been no nomination, will receive. That is the simple Bill. In fact, it would have been sufficient to say that in the case of these displaced Railway employees whose records have not been received, they will be treated as if they had made no nominations. But, unfortunately, some of the provisions are in the Provident Fund Act and other provisions are in the State Provident Fund Rules. Therefore, as we could not refer in an Act to the Rules which are liable to be changed by Executive orders, those rules had to be incorporated in the Bill. What we are doing is this. We are putting the dependents of the displaced persons on the same footing as the dependents of other displaced persons whose records have been received, but who have not made any nomination.

12 NOON

All the amendments which have been tabled have proceeded on the wrong impression that we are making a new law and they want to bring in some change in the provisions. That

[Shri Santhanam]

would mean that they would make a differentiation between the dependents of displaced employees whose records have not been received and the dependents of displaced employees whose records have been received, but who have not made any nomination. We are putting the dependents on the same footing as if no nomination had been made. That is the sum and substance of this Bill and I hope that my hon. friends who have tabled amendments will not press them and that this measure will be passed without any speeches.

Mr. Speaker: Motion moved:

"That the Bill to make temporary provisions for the payment of moneys in the State Railway Provident Fund to dependents of deceased displaced persons, be taken into consideration."

Shri J. R. Kapoor (Uttar Pradesh): I welcome this Bill however belated it be, for it will bring relief to the poor widows and orphans and other distressed dependents of the deceased displaced persons who were Railway employees. But, I cannot help expressing my regret that the Railway Ministry should have woke up to realise the necessity of this legislation after such a long period, more than three years after Partition and two years after the agreement which was arrived at between India and Pakistan, which was some time in November or December 1948. During all this period, many displaced persons who were Railway employees must have died and their poor dependents been without any relief to which they were entitled. The reason given for this delay is that the Railway Ministry was expecting that the Pakistan Government would, in accordance with the agreement arrived at between the Government of India and the Pakistan Government, exchange records relating to the Provident Fund of the displaced persons.

Sir, I wonder whether the Railway Ministry was really thinking that the Pakistan Government would act according to the agreement. Agreements and settlements which have been arrived at between the Government of India and the Pakistan Government have almost invariably been violated by the Pakistan Government, and I wonder that the Railway Minister the hon. Mr. Gopalaswami Ayyangar, with all his knowledge and experience of dealings with the Pakistan Government, should have taken so long to come to the conclusion that the Pakistan Government will not play the game. I

therefore regret that this legislation had not been brought before this House much earlier so that the poor orphans and poor dependents of the deceased Railway displaced employees could have got the relief earlier which they so badly needed. But even now, let us proceed with this work with as much promptitude as possible. I however, find that this Bill is intended to be enforced upto the 31st of December, 1952, and that means that the scheme is that all those cases will be disposed of by the end of December, 1952. I very much wish, Sir, that attempt should be made to dispose of all these cases within a few months, for it may be that some of the displaced persons had migrated into India and died as early as September to November of 1947 and if their cases are to be kept hanging on up to the end of December, 1952, that will be adding to the great hardship which they are already undergoing. I would, therefore, submit that steps should be taken to so frame the rules as to make it possible to have a summary sort of procedure, to have enquiries made promptly, into these cases so that the final decision may be arrived at quickly and promptly.

Sir, I do not know exactly the number of such cases. According to the agreement which was arrived at between our Government and the Government of Pakistan into which I have looked, I find that in December 1948, there were about one lakh of such cases, the records of which had to be brought over to India. I do not know the number as it exists now.

Shri Santhanam: This relates only to the displaced persons who are dead. The number of one lakh includes all the persons who have come away.

Shri J. R. Kapoor: True, and I would very much like to be enlightened by the Minister of State as to what is the number of displaced persons who had migrated to India and have since died. If their number is not very large, I think it should be possible to dispose of those cases before long.

I would also like to know why it was not possible for the Railway Ministry to have asked these displaced persons who had come over from Pakistan to give fresh declarations about their nominees. These persons died subsequent to their migration and it would have been very easy, since their records had not been obtained from Pakistan, to have asked them—of course, when they were actually living—to make a fresh declaration as

to who should be entitled to receive their provident fund amounts. If that had been done, all these present difficulties could have been avoided. Even now, when there are one lakh of cases of displaced persons whose records have not been received, I would like to know whether the Railway Ministry is asking the persons concerned who are still alive, to make their fresh declarations and state who among their dependents would be entitled to receive their provident fund amounts? Otherwise the dependents of these persons will also be subjected to the same kind of difficulties as the dependents of those who are now dead. They will have this difficulty between now and the end of December 1952 or even thereafter. I would like to know what steps are now being taken by the Railway Ministry in this direction.

There is another point on which I would request to be enlightened. This Bill covers the cases of those displaced persons who died subsequent to their migration. But I presume that there must be quite a considerable number of cases of persons who died just before partition and their dependents migrated to India after partition. Does this Bill cover them also?

Shri Santhanam: This Bill includes both these cases.

Shri J. R. Kapoor: But how? This Bill relates only to cases of those displaced persons who died after migration, because before migration they were not displaced persons at all. There were many railway employees who died before partition, but their dependents migrated after partition. These displaced dependents, in many cases, would not have been paid the provident funds due to the deceased railway employees who died before partition, and such dependents are not being taken into consideration now, I presume. I would be happy if it is pointed out to me by the Minister of State that their cases also are covered by this legislation. But so far as I have been able to scrutinise this Bill their cases are not covered by it. I would, however, submit that if their cases are not covered by this legislation, immediate attempt should be made either to make some provisions in this Bill itself or to bring in a separate Bill on the subject so that the dependents who have migrated to India of persons who were railway employees and who died immediately before partition and who have not been paid their provident funds, may also be given what is due to them.

Sir, this is all I have to submit. I would only add that our Government need not place too much reliance on

agreements or settlements arrived at between them and the Government of Pakistan. The Government of Pakistan treats those agreements and settlements merely as scraps of paper. They have no sanctity for them, unless of course, if the agreements are to the advantage of Pakistan. Sir, I have done.

Shri T. Husain (Bihar): Under Section 5 of the Provident Fund Act, 1925, the money accumulated in this fund would be paid to the subscriber on his retirement from service, and in case of his death, and if he had nominated any persons, these persons would be paid the money. If no such persons had been nominated by the government servant, then it went to all the members of his family in equal shares. After the partition of the country into Pakistan and India, some records, we have just heard from the hon. Minister, were left in Pakistan and there is some difficulty in getting these records in the near future. Therefore, this Bill has been brought in this House. So far, it is very good and I support the Bill entirely.

My objection is not to the Bill but to the rules—the State Railway Provident Fund Rules. There “family” has been defined as the wife of the deceased employee, the children, the widowed daughter-in-law and her children, and the money, if there is no nomination, has to go to these people in equal shares. Sir, I submit that this is wrong. It should go to the legal heirs. I would suggest to the hon. Minister that the rules should be amended in this manner, that is to say, if there is no nomination, then the accumulated fund of the deceased employee should go to his heirs according to the law by which he was governed at the time of his death. If he had not died and if he had retired, the money would have gone to him, and then if he died after receiving the money, then it would not go to the family in the manner the family has been defined here, but to people according to the law by which he was governed at the time of his death. Supposing he was a Christian, it will go according to the Christian law. If he was a Hindu, it will be divided among the heirs according to the Hindu Law and if he was a Muslim, it will be divided according to Islamic law of this country. This is the only suggestion I have to bring to the notice of the hon. Minister. This opportunity of amending the rules in this way may be taken so that the accumulated fund may go according to the provision of the law relating to the intestate succession governing the deceased.

Shri Sidhya (Madhya Pradesh): This Bill as the hon. Minister stated, is a simple Bill but this will give great relief to persons who have come away from Pakistan. This matter has been considerably delayed. This was brought to the notice of Dr. Mathai when he was Minister for Railways. I put before him several cases in which relief was needed and somehow this relief was not given on the ground Pakistan had not sent papers. It will be seen that nearly two years have been taken by Government to give relief to really needy dependents who have nothing to feed their own children.

The hon. Minister has not stated how he is going now to pay. I understand that even after this Bill is passed, some cumbersome procedure is to be followed. I would therefore suggest that after the bill is passed, the payment should be made as early as possible and if there is any difficulty in getting the proper nominations even as to the definition in the Bill, half the amount should be paid straight-away.

This Bill relates to persons who have come away or who are dead. But what about the large number of people whose provident funds have not been paid and who have actually come away from Pakistan? This does not give relief to them. It is germane to the present discussion. I would like to know from the Minister as to what steps he has taken for paying provident funds. They have so far paid half or twenty-five per cent. I see no reason why they cannot pay in full if there is a security forthcoming; I know in many cases very well known persons are prepared to stand sureties and yet Government are not prepared to accept them. As my friend Mr. Kapoor said, Pakistan is not going to send papers as the hon. Minister may be thinking. Today I read in the papers that there is a Committee sitting of both Pakistan and India to consider the question of payment of pensions and provident fund other than to railway employees and that matter also has been pending for three years. I have been in communication with both the Finance Minister and the Rehabilitation Minister and nothing is decided. The only reply is papers have been collected, the claims received and sent to Pakistan and they are helpless because Pakistan has not sent the papers. Those people who are to depend actually on provident fund which is their own money, pensions which they felt that after their retirement they would get, not even half the amount has yet been paid Government have

not considered that. I would suggest to the hon. Minister that he might consider that. In other cases there were provincial servants but Railways are their own, whether they come under partition system or not—they were Railway employees. I would request Government to pay straightaway all provident funds that these people are entitled to. That is one of the reasons which cause discontent among displaced persons. I can cite a number of instances. One of the great discontents is the non-payment of provident funds which are due to them and which have been withheld. Railway servants are servants of the Centre. They were not State Servants. I therefore submit that while I entirely and wholeheartedly support this measure although it is late, I would only submit that the payment should be made to the nominees of the deceased persons without delay and without adopting any cumbersome procedure even now because the information I have got is that it will again come under some procedure which will take long to pay.

Secondly, I would like to have a statement made by the hon. Minister as to what he is going to do with those persons who are still living but have nothing to eat and those who are entitled to get provident funds, if Pakistan is not prepared to send their papers. Pakistan is giving false excuses. I can cite to them from my experience that they want to evade this matter as they have to pay large amounts under the Agreement. I submit therefore that some kind of statement should be made to give some satisfaction to those persons who are in need of money.

Pandit Munishwar Datt Upadhyay (Uttar Pradesh): Sir, the Bill as it has been introduced is really a very desirable Bill. As my hon. friends have already submitted, the introduction of this Bill has been very much delayed but it is better late than never. So now it has come and I think it will provide relief to the people who have been suffering on account of not receiving their dues, that they should have received long ago. But the greatest difficulty that I have been feeling about it is that the question of deciding as to who should get that amount shall be left to a certain sort of enquiry. In that enquiry it is likely that sometimes the most deserving dependents may not get that amount. Because in the enquiries there are so many factors that count. There might be a deserving dependent. He must be entitled to it but then if he is inactive, if he cannot prove his case, if he cannot satisfy

the officer who is in charge of the enquiry, it is very likely that he may not get his dues and it has also been provided in this Bill that all the dependents should share equally. I think that in determining the dependents who are entitled to get the amount, there would be considerable difficulty and I can go to the extent of saying that there might be some favouritism or corruption also. Therefore the right course in such case would be to give that amount to the persons who are entitled under the personal law of the deceased. In that case no enquiry would be necessary. The law is there and according to the law if the amount is given to the person who is entitled, I think we shall be helping the persons who are really entitled to get that money. Otherwise there would be a number of applications or claims and the questions as to who is entitled to it or not, who was dependent on him or not, etc., will crop up. Therefore my suggestion in this case is that instead of giving it to dependents and ignoring the personal law, the personal law should be followed in the cases of persons who have left some money as provident funds. Then again I find that certain classes of people have been ignored. It is likely that the person deceased may have certain dependents and after the death of the person employed that dependent might have died. Then there might be dependents of that dependent. Really, they should be entitled to get that money but according to this Bill they will not get any share in it. Therefore my suggestion is that if the application of personal law is adopted in such cases, it will preclude all these objections and difficulties that I have just expressed.

Finally, I think that unless proper care is taken and unless matters are expedited, the framing of rules, making of enquiries and paying the dues to the entitled persons might take a very long time. It should be expedited as far as possible.

Shri A. C. Guha (West Bengal): I must congratulate the Government on having brought this Bill forward though it is overdelayed. I know how these poor people who had been rendered destitute due to some political factors, have been suffering because their provident fund or pension money was not available to them. This Bill only provides for the Railway staff, but I hope that Government would immediately take up the case of the other Government officers entitled to get pensions but not getting them on account of the partition of India. In their case too, they and their dependents have been suffering so much. In their case too, I would only expect that Gov-

ernment would take up the question at an early date.

As regards the provisions of this Bill, I find that the word "dependant" has been defined to mean only "wife, husband, child and a deceased son's widow and child". Sir, I do not understand why old parents should have been excluded.

[MR. DEPUTY-SPEAKER in the Chair]

Old parents, particularly in our country, depend upon the income of the sons and as such I do not know why they should have been excluded from the definition of "dependant". I would expect even now that the hon. Minister would agree to include "parents" also in the definition. Then it includes "a deceased son's widow and child". If the deceased had only a daughter and no son? Why not the daughter's child also be entitled to the claim? I do not understand it. Therefore, I should like the hon. Minister to include in the definition parents and also daughter's children provided the deceased had no son.

The Bill says that the Central Government may make rules for the purposes of this legislation. I can only hope that the rules may not be a kind of delaying machinery. These people have been suffering so much for over two years, and when the Government have now agreed to make some provision for them, there should be no further delay on account of the working of these rules.

With these few remarks, Sir, I support this Bill. I hope Government will expand the term "dependant" to include parents and daughter's children if the deceased has no son.

लाला अर्चित राम : माननीय डिप्टी स्पीकर, मैं इस बिल के मुताल्लिक कोई तकरीर करना नहीं चाहता। मैं माननीय मंत्री जी से सिर्फ़ एक बात पूछना चाहता हूँ। यह जो कहा गया कि बिल बहुत देर के बाद आया तो मैं इस पर कोई अफ़सोस का इज़हार नहीं करता। मैं समझता हूँ कि एक मसल है कि "देर आयद, दुस्त आयद।" तो यह अच्छी बात है कि अब भी आप इस को ले आये। आप यह रिलीफ़ का मेज़र (Relief measure) लाये हैं उन डिसप्लेस्ड परसन्स (Displaced persons) के वास्ते जो कि वहाँ मारे

[लाला अचिन्त राम]

गये या जो पार्टीशन (Partition) से पहले, किसी वजह से वहाँ मर गये। मैं समझता हूँ कि यह बहुत अच्छी बात है। लेकिन मेरे सामने ऐसे केसेज (Cases) भी हैं कि—

[Lala Achint Ram (Punjab): I do not want to make any speech about this Bill. I only want to enquire about one point from the hon. Minister. It has been stated about the Bill that it has been brought after a considerable delay; I do not wish to express any regret about it. I know there is a proverb, "better late than never"; it is very good that this Bill has been moved. This Bill is a measure of relief for those displaced persons who were either killed or died there for other reasons before the partition. I think this is a very good measure. But I know of such cases too, that.....]

Pandit Thakur Das Bhargava (Punjab): The Bill does not relate to persons whom you are mentioning. It only refers to those displaced railway servants coming within the definition of "displaced persons" as given in the Bill. You were speaking of persons who died before partition—it does not apply to them.

लाला अचिन्त राम : तो फिर मेरा तो मतलब हल हो गया। मैं इसी प्वाइंट के बारे में कहना चाहता था।

[Lala Achint Ram: Then it has served my purpose. I was to speak about this very point.]

Shri Santhanam: Sir, let me explain the scope of the Bill. The definition of "displaced person" in clause 2(c) of the Bill says:

"a person.....who (i) was displaced from, or left his place of residence in, such area after the 1st day of March, 1947, or (ii) opted for employment in any area now forming part of India, or (iii) did not opt for employment in any area now forming part of Pakistan".

Even before August 1947, if a railway servant had opted for India and, after option, had died between the date of opting and August 15, 1947, he will come under this Bill. We are now providing for all cases of railway servants who would have been the railway servants of India but for the accident of death. That is the position. If non-railway provident funds

had accrued before option, such cases come under the categories of many other debts which have to be settled with Pakistan, for example, savings accounts. Here we are providing for railway servants only.

Shri J. R. Kapoor: What was the date for option?

Shri Santhanam: I cannot say it off-hand.

Dr. Tek Chand (Punjab): So far as I remember, it was the 1st of August, 1947.

Shri Santhanam: That was the last date?

Dr. Tek Chand: Yes.

Shri Santhanam: Therefore many people could have opted long before that date, and they had become the railway servants of India. We are providing for those who died after option. Also, those who did not opt for Pakistan. In the second case, supposing some railway servant of the G.I.P. Railway had been lent to the N.W. Railway but he had not opted, then his name would be in the G.I.P. Railway and if he died his dependants would be entitled to the claim. At present we are legally prevented from paying anything to the dependants of these deceased railway servants and by this Bill we are only removing that disqualification. Other categories of people do not come under our jurisdiction. My hon. friend, Mr. A. C. Guha, said that there are other provident fund accounts like this and he asked that they also should be dealt with. In fact, it was considered at one stage whether a general bill covering all such provident fund accounts should be brought forward. But in the case of employees of other Departments it was thought that the cases were few and could be dealt with in the normal course by the exchange of records, but in the Railways there were a comparatively large number and we did not want to wait any more. In fact, complaint was made about the delay that has occurred so far. In my opening speech I did admit the delay, and my friend Mr. Kapoor was wrong in saying that these two years we were doing nothing. I may say, Sir, that a large number of records were obtained and provident fund accounts were paid in accordance with the nominations. It was because we did not want to transgress the law that we waited in these cases. If we had prematurely paid, as soon as we got the records we might have found that payment might have been made to the wrong person instead of to the nominee.

Shri J. R. Kapoor: I wanted to know what was the difficulty in obtaining fresh nominations from the displaced persons.

Shri Santhanam: According to the Provident Fund Act, any person who had come here was absolutely free to make a fresh nomination. Persons who are living can now cancel their old nominations and make fresh nominations. I think many after coming here have done so.

Shri J. R. Kapoor: But was the suggestion made to these people? Many of them may not know it. If a specific suggestion was thrown out to them saying that this is the difficulty in their case, then they could easily have made fresh nominations.

Shri Santhanam: I shall enquire and if it has not been done, I shall certainly have it done.

My hon. friend Mr. Sidhva pointed out that there are cases of those people who are not dead but whose provident fund accounts have not been settled. It is quite true. In their case there is no legal difficulty; the only difficulty is that of ascertaining the balance in the provident fund account. In their case we have made provisional payments to the extent of 50 per cent. of the balance in the employee's account as on 31st March 1946, or if this information is not available, payment of an amount up to six months' pay has been authorised as immediate relief pending full settlement. Therefore, their cases are being dealt with administratively.

Shri Sidhva: How many still remain? Can you give us an idea?

Shri Santhanam: Many thousands of people have come over, and I have not got statistics regarding persons who have quitted the service. If the hon. Member wants it he may put a question and I will collect the facts and give him all the information. But this particular Bill is only to give legal power to settle some accounts for which we cannot do anything until we get the legal power.

Sir, my hon. friend, Mr. Upadhyay spoke about the enquiry officers and their vagaries. If he will look at clause 4, he will find that the word "dependent" has been exactly defined and provision has been made as to how the Fund is to be distributed. All this has been taken bodily from the Railway Provident Fund Rules. I do not think that the House will want me to make a separate rule for this small number of persons apart from the ten lakhs of railway workers who are governed by

the Railway Provident Fund Rules. Whether those Rules should be altered in some way or not is entirely a different question. We are not on that question now. Whatever Rules are applicable to the ten lakhs of railway workers will be applicable to these people who are dead and their dependents will get the benefit.

Shri T. Husain: Why not change the whole Rules so that they may apply to all?

Shri Santhanam: We cannot change the Rules in this Bill. That is a matter which has to be taken into consideration separately.

Shri A. C. Guba: Do the Railway Provident Fund Rules include only these categories or the parents also?

Shri Santhanam: These are taken verbatim from the Railway Provident Fund Rules. In fact, it will be absurd for us to take a few hundred railway servants and make Rules for them which are different from the Rules which are applicable to ten lakhs of workers. We have simply put those same Rules here, because we do not want to refer to the Provident Fund Rules in an Act. So, in order to make the Bill self-contained, we have bodily incorporated the Rules. Of course, so far as parents are concerned, I think hon. Members will look at the clause in the Provident Fund Rules. It is given there that the Accounts Officer will give the benefit to the most deserving dependent after those who have been prescribed have been dealt with. Naturally, if there are no sons, daughters or other such people who have been prescribed under the definition of "dependent", the parents will come in as the most deserving people. But in the case of the Provident Fund as well as the Insurance Law, it is not the personal law of inheritance that is applicable, but considerations such as liability to maintenance and others are taken into account. We are not here to discuss the question whether those Rules are reasonable or not. All that will be considered in due course. Here, we are giving to these railway servants the same privileges as they would have had if they had died without nomination. We do not know whether they made any nomination or not. It is difficult to ascertain. No proof is available today. Therefore, we say that we shall treat them as if they had made no nomination and the Rules which are applicable to the other railway servants will apply to them. This is a simple proposition to which there can be no objection. The other points

[Shri Santhanam]

are more or less ancillary and they do not affect the scope of this particular Bill.

Shri Sidhva: After the passing of this Bill, may I know within what period the amounts are likely to be paid to the dependents?

Shri Santhanam: I shall try to do it within a month if possible, but it is not a one-sided transaction, because these people will have to satisfy certain conditions. For instance, we have to be certain about their identity, about the security and about their application. So far as the Railway Administrations are concerned, they are anxious to dispose of these amounts as quickly as possible and we shall issue the most drastic instructions to see that these cases are given top priority in the settlement of accounts.

Shri Sidhva: That means that the Rules will also be made within a month.

Shri Santhanam: There is going to be no difficulty in regard to making the Rules. We shall do it as soon as the Act gets the assent of the President.

Pandit Thakur Das Bhargava (Punjab): With regard to the definition of "dependent", it covers only certain categories at present. Of course, I have heard the hon. Minister saying that the main rules do not provide for other categories of people. But I would like to know why parents have been excluded from the definition and why the benefit of this Fund should not be extended to them also. After all, parents are also as important as the others stated in the clause here. Besides, I would like to know whether in a case where the deceased has no son and his daughter is also dead, the daughter's children will be entitled to get the benefit. If the main Rules do not provide for this, I would like to ask the hon. Minister whether he would be prepared to extend the benefit to these classes also.

Shri T. Husain: Wait for the Hindu Code Bill to be passed.

Shri Santhanam: I have already said that that would be considered in connection with the Railway Provident Fund Rules. It will not be proper for me to deal with it here because it will amount to isolating a few hundreds of railway servants from the large body of railway servants who number ten lakhs. Whatever Rules apply to them, we are applying them to these people.

Pandit Thakur Das Bhargava: May I know from my hon. friend what objection he has got to include the aged parents and daughter's children. Why is he not prepared to discriminate in their favour? When you are making as absolutely new provision, which is not the same provision as for the others, there is absolutely no reason why the claims of such important dependents as these should be ignored. When you are bringing forward a new statute and making an absolutely new provision, why not include the parents also? So far as the actual nominations are concerned, we are assuming what those nominations were. If we can assume that, we can certainly include these people also. I do not see how there will be any departure from established custom or convention if we include these names, especially when we are making a new law.

Shri A. C. Guha: There is no sanction about the custom or convention.

Shri Santhanam: I shall give you one illustration. There may be two railway servants who are displaced and deceased. In the case of one person, it may be that we have got his record and there is no nomination. And in the case of the other, there is no record. Now, in the case of the person whose record is available, he will be governed by the Railway Provident Fund Rules, and in the case of the other person who has no record, he will be governed by this Act. Does my hon. friend want that the two persons should be governed by two different sets of Rules when their cases are identical? My point is that the Railway Provident Fund Rules apply to all persons—even the displaced persons who are dead—so long as their records and accounts are with us. It is only in the case of those persons whose records have been lost or have not been obtained from Pakistan that this Bill applies. We do not want to distinguish and make for those people who fall in the latter category a special provision different from the general body of railway-servants. If we do that, it will create anomalies. Not that I have any objection to include aged parents or anybody else. Whatever Rules are applicable to the railway servants in general will apply to these people. That is the simple proposition. If we depart from it, there will be anomalies which we have not thought of. For instance, there may be two railway servants in the same family. Both of them might be dead. In the case of one, the records may be available. In the other case, they may not be available. To distribute one man's Provident

Fund in a particular way and another man's in a different way will look rather anomalous and so I think the hon. Members should waive their objections and let the Bill go through. I have already given the undertaking that it will be implemented as quickly as possible.

Shri T. Husain: I want to be clear on one point. We are supporting the Bill in its entirety. There is no doubt about it. It is a simple Bill—a good Bill—and is going to be passed. But I have made one suggestion, namely, that I do not want two Rules. I want one rule. We have got the Rules. Why not amend them now, so that the accumulated Provident Fund may be inherited by the people concerned according to the law of inheritance by which the deceased is governed. I shall give you an example. The present rule is that if an employee is dead without any nomination and if he leaves a wife behind, she will get whatever money he has left. It may be that apart from her, there may be the deceased's aged father, aged mother and young brother. They will not get anything. If the wife re-marries, the whole money goes somewhere else. Why not give it to the father, the mother and the brother also? All that I say is: give it according to the law of inheritance to which the deceased belongs.

Shri Santhanam: If the Provident Fund Rules were under consideration now, I would have accepted the suggestion. But this Bill has nothing to do with the Railway Provident Fund Rules. As I have already said, we will consider it independently of this Bill.

Shri A. C. Guha: The hon. Minister stated a while ago that even according to the rules if other dependants are not alive, the parents or the daughter's children will not be debarred from having the benefits of the amount involved in the fund. I would like to have a clear indication from the Minister that even if other dependants are not available, if the parents are alive, they should be entitled to have it.

Shri Santhanam: Whatever will happen to the dependents of other railway servants, will happen to the dependents of these displaced persons whose records have been lost. It seems to be too elementary a point for me to repeat it again and again. These railway servants will be treated just like any other railway employees. We are not now making a rule for all railway workers. The hon. Member knows that we have to be governed by the Provident Fund Act, which defines

dependants in a particular manner. So, unless that Act is amended, we cannot change the definition of dependants. Therefore, it is a matter for separate legislation. This is only a Bill to enable payments to be made to a small section of railway servants. We cannot alter the general law for this purpose.

Before I sit down, I would like to clarify one more point. We have put in "1952" only as a measure of abundant caution. I hope that this Bill will lapse within a few months, by when we hope to dispose of all cases. We have put in 1952 only as a measure of caution, so that we may avoid again coming up before Parliament.

An Hon. Member: How many cases are pending?

Shri Santhanam: In the E. P. Railway alone there are 102 such cases. There must be a considerable number of cases in the East Indian Railway, because many railway servants opted to India from East Pakistan also. In the other railways there may be a few hundreds at the most.

Shri Sonavane (Bombay): Sir, on a matter of clarification. The word "dependent" is defined in sub-clause (b) of clause 2. But that does not exclude married daughters.

Mr. Deputy-Speaker: That is covered by the proviso to clause 4 which says that no share shall be payable to married daughters whose husbands are alive.

This Bill is restricted in its scope and I do not think we should try to enlarge it. The question is:

"That the Bill to make temporary provisions for the payment of moneys in the State Railway Provident Fund to dependants of deceased displaced persons, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: Does the hon. Member. Shri K. Vaidya propose to move his amendment to clause 2 after the elaborate reply given by the hon. Minister, because it will create an invidious distinction between persons who get the benefit under this Bill and those whom this Bill does not touch.

Shri Santhanam: It will also delay the operation of this Bill, because the investigating officers will have to make elaborate enquiries which will prevent the wife and child getting anything now.

Shri K. Vaidya (Hyderabad): Sir, this Bill relates to displaced railway servants. Among the displaced persons it is the aged who have suffered the most and it is but just and fair that such aged parents who have no means of subsistence should be given a share of the provident fund amount of the deceased.

Shri Santhanam: I am prepared to accommodate the hon. Member in this way. Under clause 4(2) we are prepared to make rules suggesting that these parents should be given priority in case there are no dependants.

Shri K. Vaidya: In view of this assurance, I do not wish to pursue my point.

Pandit Thakur Das Bhargava: But can the Government make a rule which is in derogation of a specific provision or an Act passed by the House?

Mr. Deputy-Speaker: It will not be in any way derogatory, because only when there are no other dependants will a share go to the parents. The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 4.—(Repayment of State Railway Provident Fund moneys in certain cases).

Shri K. Vaidya: I beg to move:

In part (a) of sub-clause (2) of clause 4, add the following at the end:

"according to the provisions of the law relating to intestate succession governing the deceased".

Shri Santhanam: This amendment, is, I think, out of order, because it goes against the provisions of the Provident Fund Act.

Mr. Deputy-Speaker: As it is already provided for in the Provident Fund Act, it is unnecessary. If it is not, it is improper.

Shri K. Vaidya: My submission is that it is neither unnecessary nor improper. It is merely a supplementary provision. Nor is there anything inconsistent with the existing rules.

All that this amendment suggests is that the Accounts Officer should use his discretion and decide cases in the light of the law.

Shri Santhanam: Clause 2 reproduces the present provisions in the Railway Provident Fund Rules. The provision is if there are no dependants as defined, then if the sum does not exceed Rs. 5,000 the accounts officer will make enquiry as to the person dependent on the man who is the fittest to receive it. If the sum is more than Rs. 5,000, then anybody claiming that will have to take probate, letters of administration or succession certificate and then automatically the person, if he has taken the succession certificate, will be entitled under the ordinary law to receive it. But where there is only a small amount, all the process of ascertaining who are the heirs according to the succession and all that may be difficult and also it may not be even fair. Suppose for some reason he has the daughter's child whom he is bringing up and that child is dependent on him. That child does not legally come under 'dependants'. But naturally it will have to be given the first preference. This is a provision which is already there and which is being applied to other railway servants. We are dealing with a handful of railway servants. Why should these be treated differently from other railway servants whose number is about 10 lakhs? Hon. Members should not isolate a handful of workers from other railway servants and make a different rule for them.

Shri J. R. Kapoor: What the hon. Minister now said was that the existing rules provide that if the sum involved is Rs. 5,000 or less, then the accounts officer will make enquiry to whom this should be paid, provided of course there are no dependants. This sub-clause (2) relates to cases where there are no dependants. I would like to know what is the existing rule with regard to such cases. If the dependants are there the accounts officer need not make enquiry as to which particular dependant is entitled to get that sum which is Rs. 5,000 or less. They get it in the order mentioned in the rules. But if there are no dependants what are the present rules that will govern such cases?

Shri Santhanam: The position is like this. If there are dependants the rules provide for distribution direct without going to the accounts officer. Dependants are defined as wife, husband, child and a deceased son's widow and child. All the others are not treated as dependants even though they may be actually dependants. But legally they are not dependants. Aged father, etc. will not therefore come under that definition. They will come under sub-clause (2) of clause 4. That is, if the

sum is less than Rs. 5,000 the accounts officer can give directly to the father of the person.....

Shri J. R. Kapoor: Is that the existing procedure?

Shri Santhanam: That is exactly the existing procedure.

Mr. Deputy-Speaker: Can the accounts officer without any direction give it to whomsoever he likes?

Shri Santhanam: It is always subject to rules made.

Mr. Deputy-Speaker: That is, in the absence of these dependants, the persons legally entitled to receive it, he may come to any *prima facie* conclusion and those persons need not give any succession certificate. Even Rs. 5,000 may be a large sum in the case of small officers. Why not go by intestate succession?

Shri Santhanam: Those are the provisions of the Railway Provident Fund Rules. How far the Rules deserve to be changed we will consider separately.

Mr. Deputy-Speaker: Very good.

Shri J. R. Kapoor: Sir, the hon. Minister suggests that there are already existing Rules on the Subject. But there is no mention of these Rules in this Bill

Shri Santhanam: They have been incorporated to the extent necessary.

Shri J. R. Kapoor: It does not provide that. The clause says:

"if the sum does not exceed five thousand rupees, to any person appearing to the Accounts Officer, after such inquiry as may be prescribed....."

So the inquiry may be prescribed. But to whom is the money to be paid? No mention is made here that the person to whom the money will be paid will be prescribed by rules. If some such thing is incorporated here, that will serve the purpose. According to the clause, as it stands, the accounts officer can in his discretion pay the amount to anybody, to whomsoever he likes. There are no rules governing his conduct in this respect.

Mr. Deputy-Speaker: Clause 8(a) provides for that.

Shri J. R. Kapoor: That is "regulating the manner in which any inquiry may be made by the Accounts Officer". I do not think this provides that the rule can be framed laying down as to which are the persons to whom the money should be paid. The manner of

inquiry is something entirely different from the substantive subject as to which persons are entitled to receive it.

Shri Santhanam: For the information of the hon. Member I shall read rule No. 1336 in the Railway Provident Fund Rules.

Shri J. R. Kapoor: Those rules are there. But how will they be operative here in the cases which are covered by this Bill? Therefore some provision must be made here.

Shri Santhanam: They will be operated exactly as they are operated in the case of other people who come under the Railway Provident Fund Rules.

Shri Sondhi (Punjab): Those rules apply to all persons including these people. It is all right.

Shri Santhanam: Whatever happens to the other railway servants will happen to these people also.

Mr. Deputy-Speaker: Clause 3 makes the Provident Funds Act applicable except where it is derogatory to the provisions of the present Bill.

The question is:

"That clause 4 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

Clauses 5 to 8 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Shri Santhanam: Sir, I move:

"That the Bill be passed".

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

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]

INDIAN NURSING COUNCIL
AMENDMENT BILL)

The Minister of Health (Rajkumari Amrit Kaur): I beg to move:

"That the Bill to amend the Indian Nursing Council Act, 1947, be taken into consideration."

[Rajkumari Amrit Kaur]

There is no need for me to say anything at all about it. It is purely a formal measure that is brought in owing to the constitutional changes and it caters for the proper registration of nurses in Part B States.

Mr. Speaker: Motion moved:

"That the Bill to amend the Indian Nursing Council Act, 1947, be taken into consideration."

Shri Rathnaswamy (Madras): I thank you for the opportunity you have given me to speak on this Bill. The scope of the Bill is very much limited and therefore, I have not very much to say on this Bill, but I should like to say just a word or two before I sit down. There is a deep-rooted apathy against the profession of nursing in our country. I am sorry to find, that this nursing profession is not made attractive to draw women from the upper classes in our country. I may tell you, Sir, that in Western countries like the U. K. for every 300 patients there is a nurse whereas in our country there are hardly over 5,000 nurses and a few thousands of midwives. I need not say that these nurses and midwives are hardly adequate to meet the rising demands in our country. The qualifications insisted upon are rather a little higher and under these present circumstances it is very difficult for our Government to get an adequate number of nurses and midwives in our country. I therefore venture to suggest that some honorary workers who can be given certificates by conducting refresher courses must be employed in most of the centres, particularly in the rural parts in our country. This system would very much facilitate and would certainly ease the situation which is already very deplorable in our country. There are a lot of industrial areas in most of the urban parts in our country and in those parts, I find that most of the children are not getting enough facilities, not merely in the matter of anti-natal treatment but also during the post-natal treatment and I find that a lot of mothers and babies do not get enough and adequate treatment in our country and therefore, Sir, if an adequate number of women are trained by being given this refresher service in the rural parts. I am sure, it would go a very long way in easing the situation in our country.

Sir, as I said earlier, there is a deep-rooted antipathy and deep-rooted prejudice against this nursing profession in our country. After all, when we

compare the great humanitarian work and the great and laudable work that these nurses turn out, the emoluments that they get, are not at all in proportion to the meritorious service they render to this profession. I may tell you, that our Government should show a little more sympathetic consideration towards this profession. I plead that this health problem should be made a Central subject instead of...

Mr. Speaker: The hon. Member is now going into too many details about it. The object of this Bill is a simple one. It only speaks about the qualifications for the purpose of registration and I do not think I should permit him to go into the details to survey the entire field of nursing. That, I think, would be irrelevant.

Shri Rathnaswamy: I would like to say just a word, before I sit down.

There are only a very few nursing colleges and schools in the various States in our country and I would urge upon the Central Government to give a little more aid and assistance to these various States to start their own nursing colleges and schools and I am sure by doing this they would be very helpful in creating an army of nurses and midwives and also health visitors in our country. After all, when we take into consideration the amount of encouragement and assistance given by the Centre to the various States in the starting of these nursing colleges and schools and also in the matter of creating an army of nurses in our country, I feel that it is not adequate. They are far from satisfactory and therefore I would venture to suggest that the Centre may devote a little more attention and a little more sympathetic consideration in the matter of States in the laudable work that they are doing.

Rajkumari Amrit Kaur: Sir, the remarks made by the hon. Member have really no relevancy so far as this measure is concerned, but I would like to assure him that no one is more alive than I am to the needs of the profession of nursing. We are doing everything possible and the States are co-operating with the Centre. The number of nurses has gone up considerably in the last three years and the Nursing Council is also drawing up a curriculum for lesser trained nurses, which will be a two year course. In every possible way we are trying to do all we can to make the profession of nursing not only more attractive by raising their pay but also to extend the service to the rural areas.

Mr. Speaker: The question is:

"That the Bill to amend the Indian Nursing Council Act, 1947, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Rajkumari Amrit Kaur: I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

TELEGRAPH WIRES (UNLAWFUL POSSESSION) BILL.

The Deputy Minister of Communications (Shri Khurshed Lal): I beg to move:

"That the Bill to regulate the possession of telegraph wires and to provide for the punishment of the offence of unlawful possession thereof, be taken into consideration".

This is a very simple measure. The necessity for this has arisen on account of the fact that in recent years the price of copper has gone very high with the result that we have got an alarming increase in the theft of copper wire from the telegraph lines. The evil has grown to such a magnitude that in one province Bihar alone, we had in one year 633 miles of wire stolen, and in another 348.

Shri Hussain Imam (Bihar): Why this special mention of Bihar?

Shri Khurshed Lal: Because it leads.

Shri Sondhi (Punjab): Which are the other provinces?

Mr. Speaker: Order, order.

Shri Khurshed Lal: Orissa, West Bengal and Madras follow very closely.

Shri Tyagi (Uttar Pradesh): From the stores or from the lines?

Shri Khurshed Lal: The position is that in the telegraph department, only three kinds of wires are used, namely, 150 lbs., 200 lbs. and 300 lbs. per mile. Before the war, these wires were not used by anybody except by the telegraph department. After the war, unfortunately, the Disposals department sold a large quantity of these wires to the public. Our difficulty now is that whenever we catch anybody as having stolen these wires, and when we go to court, it becomes impossible to prove the identity of these wires and to prove that these wires have been stolen from the telegraph department. The Bill now before the House pro-

poses in the first instance that all persons having stocks of these three kinds of wires, exceeding ten pounds, shall declare them within six months and shall convert them into ingots within one year, that thereafter nobody will have these kinds of wires, and that anybody who is discovered with wires of these three particular descriptions will be presumed to have stolen the wires, and he will have to prove his innocence. If this is not done, it becomes impossible to prove theft of wire because identity of a particular wire otherwise cannot be proved. I therefore move that the Bill be taken into consideration.

Mr. Speaker: Motion moved:

"That the Bill to regulate the possession of telegraph wires and to provide for the punishment of the offence of unlawful possession thereof, be taken into consideration."

Shri Sondhi: I would like to know which are the other provinces involved in this offence, because you mentioned Bihar only.

Mr. Speaker: Order, order. The hon. Member must address the Chair.

Shri Sondhi: Which he mentioned, Sir.

Shri Khurshed Lal: As I said, Orissa, West Bengal and Madras follow very closely. When I say Madras, I say Madras Circle, including Mysore and other States also.

Shri B. K. P. Sinha (Bihar): I congratulate the hon. Deputy Minister in charge for bringing forth this Bill. An abnormal situation was created by the rise in the price of copper and consequent thefts.

Shri Tyagi: As the justification is seen in Bihar.

Shri B. K. P. Sinha: He has sought to meet this situation by this measure.

In meeting this situation, I must say to his credit that he has sought to temper the necessities of the situation by moderation. In the first place, he has given the people an opportunity to declare the copper wires that are in their possession. And then, if the Stock exceeds a certain quantity and if the wires of a certain specification, by clause 4, an opportunity is given to sell them regardless of the fact whether they have been stolen or not. In clause 5, it may be said that an abnormal procedure is sought to be introduced. People who are finicky about fundamental principles of jurisprudence would assert that by introducing this provision, he has sought to take away and subvert one of the fundamental principles of British jurisprudence, and thereby of Indian Jurisprudence. I however feel that it is in

[Shri B. K. P. Sinha]

this provision that the hon. Minister has been very fair to the people who are sought to be roped in. The Hon'ble Deputy Minister has suggested that if people fail to declare possession of telegraph wires, and if a case goes to court, at once the presumption will arise that the wire has been stolen. I think in this respect, the Bill is rather fairer than what the hon. Minister makes it out to be.

Clause 5 says that when a man is in possession, and if the court believes in view of that possession that the wire is stolen, only in that case, the man will have to prove that he has not stolen this wire. The initial onus is on the prosecution and it has to adduce evidence to raise a slight presumption that the wire did not lawfully come into the possession of the person who is in possession of that. It is only then that the presumption will arise that the wire is stolen and in that case, the person who is in possession will have to prove that he obtained it lawfully. In this respect also, I feel that the Bill is rather moderate. While trying to meet the situation, it is also solicitous of the rights of the people and the hon. Minister is always conscious of the fundamental principles of jurisprudence.

But, I feel, Sir, that to the extent that this Bill deviates from certain procedures laid down by the normal law, this Bill is, in my opinion, defective. I would refer in this connection to clause 7 of the Bill. Clause 7 (1) says that all prosecutions shall have to be sanctioned either by the Central Government or by an officer specially empowered in this behalf by that Government. In recent legislations, I have found a tendency to have such a clause. The intention is rather admirable, that is, to protect the citizens affected. But, in spite of this intention, I feel that such a clause proceeds on a distrust of the regular machinery for law and order in this country. If Government themselves base their legislations on a mistrust of normal machinery, it would be difficult for the people in charge of the normal machinery for law and order to help in the maintenance of administration at a good level of efficiency. Moreover, sufficient for the day is the evil thereof and the officers to whom this power would be delegated are already over-worked. There is hardly one officer from top to bottom, who is not over-worked. While the work after Independence has increased about five to six fold, the number of officers has hardly doubled. At least that is my experience in my State. I therefore, feel that all the officers are over-worked. In these circumstances, to transfer this function also to the executive or to the Telegraph

or Postal officers would be making matters more complicated. I think that the normal machinery provided in the Criminal Procedure Code would be quite adequate to deal with the matter. There are adequate safeguards provided there for the rights of the people. Why then this extra precaution which not only brings the normal machinery—I will not say contempt—into distrust and at the same time increases the burden of those who have already got much more important work to do. There is also the fear in my mind that under this Bill Government may transfer the power of sanctioning prosecution to the officers of the Postal and Telegraph Department. Sir, that department is based on the spirit of service, and I must say to the credit of the people working in that department that so far, they have always worked in that spirit of service and have tried to do their duty in an admirable way. But if this Bill transfers the power of sanctioning prosecution to them,—if it is not transferred well and good—but if it is transferred, then I am afraid that in addition to their service mentality, they are likely to develop something like the executive mentality, and that will, I fear, to some extent, affect their normal day to day work. I would, therefore, urge here that instead of providing this special procedure for sanctioning prosecution, the Minister had better satisfy himself with the normal procedure prescribed by the normal law of the land.

Next I come to the second part of this clause. That clause says:

“(2) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.”

There are two types of offences under this Act. One is prescribed by clause 5 where a man is punishable by a sentence of imprisonment for 5 years or with fine or both. And the second type of offence is provided in clause 6 and that relates to people who fail to declare possession or who do not sell the wires in their possession according to the orders of the prescribed authorities. I consider that so far as the first type of offences are concerned, the punishment provided is rather serious and I feel that they should be tried by a first class magistrate or a presidency magistrate. Moreover very complicated and difficult questions of law and facts would arise to be decided in such cases. But so far as the second type of cases are concerned,—those provided for in clause 6—they are rather simple in nature. Questions of a simple character would arise for decision in those cases. Why

then prescribe that even those simple cases should be tried by a first class or presidency magistrate? Already there is enough work in their courts. We also read of congestion in the courts, in the Session Courts and in the High Courts and in courts with superior powers. In view of all this, would it not be sufficient to have these cases dealt with by the normal machinery prescribed by the Criminal Procedure? These cases which are likely to be of a simple character can well be tried by a second class or third class magistrate, and in my opinion such a provision would be quite sufficient. Moreover, in view of the fact that these cases would be triable only by first class or Presidency magistrates, the appeal from them would only lie with the Sessions Court and the result will be that there will be still greater congestion in these already over-crowded Session Courts. Recently, the Government of India—I think it was the Government of India—had set up a committee to enquire into the congestion of work in the High Courts. It also appears that they have recommended some measures to remove congestion in the courts. When the session courts are over-crowded, consequently the High Courts also would be over-crowded. On the one hand this Government in the Ministry of Law or in the Ministry of Home is making an attempt to remove congestion from the superior courts and on the other hand with clauses of this nature, they are making the superior courts still more overcrowded. Therefore, I urge that this sub-clause (2) of clause 7 should not be there; for the normal machinery which is already there is sufficient to meet all our needs. I feel that the offences triable by them would not be of a serious nature. Why then prescribe this machinery and burden the superior courts? That is all I have to say, Sir. In general, I welcome this measure and I congratulate the Minister for the sense of moderation that he has shown in dealing with the situation.

Shri Krishnanand Rai (Uttar Pradesh): Sir, on a point of clarification. In the Statement of Objects and Reasons it is stated:

"3. The present Bill seeks to make unlawful possession of telegraph wires an offence punishable with imprisonment for five years or with fine or with both and placing the burden of proving lawfulness of possession on the accused."

But the onus of proving the innocence is being shifted to the accused and that is against the standing laws of the country as in the Indian Evidence Act, and there is no clause in this Bill that seeks to change that law and so this law may be challenged in the courts of law.

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Mr. Speaker: The hon. Member may refer to clause 5.

Shri Krishnanand Rai: But there the

Mr. Speaker: Clause 5 makes the position clear. It leaves the onus distinctly on the man to prove that the wires came into his possession lawfully.

Shri Krishnanand Rai: But it should be on the prosecution.

Mr. Speaker: As the point was raised, I invited the attention of the hon. Member to this clause 5 which says:

"Whoever is found or is proved to have been in possession of any quantity of telegraph wires which the court has reason to believe to be or to have been, the property of the Posts and Telegraphs Department of the Central Government shall, unless he proves that the telegraph wires came into his possession lawfully, be punishable... etc."

So the onus of proof is on the accused and that is quite clearly stated here.

Shri Krishnanand Rai: Should not the Telegraphs Department prove that the wires ever belonged to them?

Mr. Speaker: The point is sufficiently clear. The hon. Member may study the clause further.

Shri Raj Bahadur (Rajasthan): The onus of proof is shifted to the accused. But the prosecution shall have to prove that the wires belonged to the Government of India.

Mr. Speaker: The wording in the clause is a guarded one.

Shri T. N. Singh (Uttar Pradesh): I want one point to be cleared, Sir. The first paragraph of clause 5 states:

"..... which the court has reason to believe to be, or to have been, the property of the Posts and Telegraphs Department ..."

So the court has to satisfy itself that it is stolen wire. And under the proviso to this clause the burden of proving is laid on the accused only where the quantity has been so declared. In cases where the quantity has not been so declared, I want to know on whom will be the burden of proof? Will it be on the accused or will it be on the prosecution? But according to the proviso to this clause the person who does not declare the quantity gets into a more favourable position than the one who has declared.

Mr. Speaker: The hon. Member's interpretation does not seem to be in accord with the wording here.

3 P.M.

Shri T. Husain (Bihar): In my opinion this Bill is a very simple one. I am unable to understand why my

[Shri T. Husain]

hon. friend Mr. B. K. P. Sinha is opposing this Bill. Myself and he, both are from Bihar and we know the number of thefts of telegraph wires there. The cases are sent to Court. The Prosecutions under the Criminal Procedure Code and under the Indian Penal Code Section 379 are unable to prove the identity of the wire. It is practically impossible and the result is that the accused in many cases have been acquitted. The only remedy is—the one provided in this Bill—that the burden of proof should be shifted from the prosecution to the accused. There are many laws in India even under the Indian Penal Code where if a person is found in possession of stolen property for instance under Section 411 of the Indian Penal Code, it is for the accused to prove how he came in possession of it. The objection to this Bill is only with respect to putting the burden of proof on the accused. My contention is, if the Penal Code is left as it is, the result will be that thefts of Telegraph wires which are going on will continue to go on in the province of Bihar, Bengal and other places. In order to protect Government property, I think we should support this Bill as it is put forward.

Shri R. K. Chaudhuri (Assam): I consider that this Bill is a perfectly useless Bill and at the same time highly objectionable from the point of view of a jurist or the lawyer. I say it is useless because the position is this. You have to prove even after this measure that the property at one time or the other belonged to the Postal Department, and I have found from my experience in Assam where a number of prosecutions were instituted under Section 411 for possession of telegraph wires that all those prosecutions have failed because the Postal authorities could not give even any satisfactory evidence to show that those wires had at one time or other belonged to them. That Department does not possess any book of inventory or any evidence to show that such and such wire can be identified as theirs. What was true three years ago would be still more true to-day because in those years the prosecution had tried to make out a case of recent possession. If it is a case of recent possession, then the burden falls on the accused to prove that the property belonged to him. But now as it appears from the Statement of Objects and Reasons, a large quantity of disposal material were particularly sold in Assam. If those wires were now found and they claim that they got them from the Disposals Department or from the person who had it from the Disposals Department, how is Government going to prove that the property really

belongs to the Postal Department? How can we presume that any wire that is found in possession of a person belongs to the Postal Department? By this legislation Government is trying to escape the duty of proving that a particular property belongs to them. They have proved themselves very careless and negligent about it. They do not have any inventory of the properties which they possess. They are unable to prove that a particular wire belongs to them and therefore they want to punish by virtue of this law those who are in possession of any copper wire and those copper wires will be presumed to be belonging to Government unless the accused proves otherwise. The ordinary man may have purchased copper wires even from the original purchaser or Military Department. Now these copper wires have not been purchased for any available purpose. They have been purchased just for binding something in houses etc. Now all those ordinary innocent people will be victimised by this law. The best course I would suggest for Government is to invite all those persons who have these in possession and purchase them. In a village people do not know what to do with these wires and they use it in any way they like and if the Government is really anxious about seeing that these wires should not be in possession of anybody, they ought to offer a higher price or a reasonable price and purchase them. Otherwise this will be a hardship on innocent people.

Pandit Munishwar Datt Upadhyay: (Uttar Pradesh): This measure is an extraordinary measure in the sense that by this we are trying to place the burden of proving innocence on the accused. The presumption would be that he is guilty as soon as he is found in possession of telegraph wires. This is an extraordinary rule. The most essential rule of Criminal Law is that the burden of proving innocence should not lie on the accused. The burden of proving the guilt should be on the prosecution. In this case the only fact that he possesses telegraph wires is enough to raise the presumption that he is guilty and he is guilty of being in possession of stolen property. My friend said that there are other such sections in the Indian Penal Code in which the possession of certain articles is enough to raise the presumption that the person who is in possession of it is guilty. I submit that that analogy drawn from the Indian Penal Code is inconsistent. If my friend looks into that section and also the provision of law, he will find that there the possession of stolen property comes in as property which was a subject-matter of another offence—offence of stealing.

So here the telegraph wires simply because they are in possession of a certain person, if he is considered to be guilty and if he is required to prove his innocence, that would be contravening that most essential rule of Criminal law that we have been following in this country, the rule of jurisprudence as my friend suggested.

Besides this, I would consider that the other provisions of this Bill are very necessary. I think the hon. Minister was conscious of the fact that he was going to place a measure before the House which was an extraordinary measure, and that is why I think he has been so cautious. He has tried to see that there would be no misuse of this law, by providing that the trial will be by a first class magistrate, that sanction for prosecution will be necessary, and also that prosecution will be conducted by a responsible officer. All these provisions that he has incorporated in this Bill go to show that he was conscious of the fact that the law as he was going to have it was extraordinary and, therefore, these precautions were necessary.

A remark was made by my hon. friend, Mr. Chaudhuri that this measure is useless. I do not really agree with him. It is useful because the hon. Minister probably did not find any other way to bring the culprits to book and recover the telegraph wires which have been stolen in such large quantities by some people living near those telegraph lines. In that respect it is really a very useful measure. On the other hand, although the hon. Minister did not see his way to prevent large quantities of these wires being stolen—and there is great difficulty in proving the identity of Government telegraph wires—still, on that account to bring in a measure which should so seriously alter the most essential rule of criminal law is not very desirable. It is only on that account that this measure is objectionable. Otherwise the provisions contained in this Bill are very necessary. Probably, as I heard from the hon. Minister himself, he could not find any other alternative and had to resort to this sort of measure.

Shri Hussain Imam: I do not wish to take the time of the House for more than three minutes. My only submission to the House is, that I think the hon. Minister has taken sufficient precaution, that this law will not be used as an engine of oppression, by providing that the prosecution will have to be sanctioned by the Central Government and also by the other provisions contained therein.

The only thing which he did not tell us was that no prosecution under clause 5 will be allowed till the lapse of

six months from the date that this law comes into operation. We have given the possessors six months time to register their possession, and, therefore, it is right and proper that for the first six months after the Act comes into effect no prosecution under clause 5 should be allowed. Up to that time a man has got the chance of getting himself registered as a declared possessor of the wires, and if he is a declared possessor he will not be subject to punishment.

Secondly, even in clause 6 where ordinary punishment is provided for being unlawfully in possession of the wires, even there the six months must elapse for any prosecution to be launched. What I wish to contend is that while there is no need for any amendment, there is an urgent need of an assurance from the Government that the people will be given the opportunity for full six months to get themselves registered, after which those who have not registered themselves as being in possession of the wires will even under the ordinary law be presumed to be in unlawful possession because they had not got themselves registered.

This is all that I have to submit.

Pandit Thakur Das Bhargava (Punjab): After reading through the Bill I have got some doubts about the validity of this Bill as also the necessity for it. In the first place, we have not been given any information to show how much of the wires have been stolen and what is the extent of the evil which this Bill seeks to remedy. Secondly, we are told that there is another source from which the people in general have been able to get these wires, that is from the disposals. And if any honest person has got it from the disposals, there is no reason why he should be obliged to make a declaration under clause 3.

In regard to clause 5, I have got very great doubts. In the first place, under the ordinary law of the land it is not the possession of any particular article which makes a man guilty. Under Section 411 the offence consists in receiving stolen property or in retaining stolen property knowing it to be stolen or having reason to believe that it is stolen. These are the elements for proving that offence. The mere possession of stolen property will not be criminal according to the provisions of Section 411. Supposing a person put something in my pocket which is a stolen property and I am not conscious of the fact that something has been put in my pocket, I will not be guilty of the offence. Therefore, if a person is in possession of these wires, having acquired them in a law-

[Pandit Thakur Das Bhargava]

ful manner, the ordinary law of the land requires that if he is put in court he will not be called upon to explain the possession. According to clause 5 of this Bill, it is not the receiving of the wires or the retention of the wires knowing them to be stolen or having reason to believe that they are stolen, but the mere fact of possession has been made an offence.

The other thing which I do not understand in clause 5 is the proviso attached to it. Clause 5 says that the accused shall be called upon to prove "that the telegraph wires came into his possession lawfully", whereas in the case of a person who has made a declaration under clause 3 the burden of proving that it came into his possession lawfully shall not be on such a person. The burden may not be there, but if the court comes to the conclusion that the property was found in the possession of such person and the court also had reason to believe that the property once belonged to the Posts and Telegraphs Department, in what predicament will this person, who has made a declaration, be? He may not have the burden of proving, but the court has framed a charge and I think he will be in a worse position than the other person who has got to prove that he is not guilty and who produces evidence. According to the ordinary canons of law nobody is found guilty unless it is proved that he has committed an offence. These words:

"unless he proves that the telegraph wires came into his possession lawfully",

are redundant. In all criminal cases the court itself presumes certain things when the law lays it down. If the law does not say anything then in that case when a charge is framed it is usually presumed that the accused has to disprove the charge. Therefore these words, "unless he proves....." become unnecessary. If, however, my hon. friend means that in every case the accused shall have to prove that he is in lawful possession, my submission then is that the burden of proof is far in excess of what the ordinary person has to discharge. In the other case where the burden is not there, I do not understand the full implications of the proviso. Either the court shall not frame a charge, or, if the charge is framed then I do not understand how the case of a person who has made a declaration will be different from that of one who has not done so. The burden of proof may not be there but if the charge is framed in accordance with the provisions of the law then unless and until that charge is disproved I do not know how he can get

the acquittal. Therefore, this proviso is in the nature of a sort of a palliative, a sleeping dose, so that that person will not be able to fully understand the implications of the charge. He will sleep over it, he will not produce any defence or evidence and if he does not do that I do not know how he will escape from the clutches of the ordinary law when the charge has been framed.

Therefore, in clause 5 there is some confusion—either in my mind or in the minds of the framers of this clause. Under this clause in a particular case some burden is thrown upon the accused while in another case the burden is not thrown upon the accused. But when a charge is framed against a person, irrespective of whether the burden of proof is on him or not, he has to face it. He will either be convicted or not convicted. It will not be that the person who has declared will be convicted and the one who has not declared will not be convicted. Section 5 requires some revision, so that the position may be made quite clear.

At the same time, I am opposed to making certain things into offences whereby even innocent persons may be enmeshed. In a case like the present one, a person who has got these wires from the Disposals, although he may be quite innocent, will not be given any protection. I agree that under the proviso protection is given to him to prove that he got the wires by buying. But that protection extends to everybody. Even a dishonest man can prove that he got the wires from the open market or from a friend. Therefore, unless the property is proved to be stolen, no case for receiving or being in possession of it should be made out. The first lacuna is that in spite of the property being asked to be proved to be stolen, the law shall presume in future that all wires which are found in the possession of a person are stolen property. This is too much. This is not a kind of property which can only belong to the Posts and Telegraphs Department, and therefore, it is not fair to assume in every case that it is stolen property.

I remember a case which is reported, in which there were some logs of wood that were produced in Kashmir and bore the stamp of some Government contractor from which it could be concluded that they were produced by that Government contractor. Some logs were found to be in the possession of a person after several years and the court ultimately came to the conclusion that it was not stolen property. In this case, it can happen that a person got the property from the Disposals and then disposed of it him-

self. A person who is found in possession of such property will be brought to book. We are making offences cheap. We should not make offences cheap. Unless the property bears some mark from which we can conclude that it belongs to the Posts and Telegraphs Department, how can we say that it is stolen property?

Then again, in regard to possession too, this is only recent possession which the law takes cognizance of. In the case of possession for a very long time, no presumption of theft arises. My humble opinion is that these canons of the law and safeguards which are open to an ordinary case should not be taken away from a person because twenty-five years ago these wires belonged to the Posts and Telegraphs Department.

I do not know, Sir, whether the Posts and Telegraphs Department sell these wires when they become old. They may sell them by auction or otherwise. And then there was this Disposals Department, from which many people would have got the wires and would be in honest possession of them. It is enough mischief if even in a single case an honest person is brought to book. In this manner, we should not prostitute the good provisions of law for the possible catching of an accused person. In our attempt to see that refractions of law do not happen, I think we are really tampering with the sacredness of the laws of this land. We should take care to see that we make only such things as penal offences which come strictly within them. Otherwise, we shall be making offences too cheap. I therefore humbly submit that section 5 should be looked into again. I do not know what is the amount of money that is involved by the loss of these wires. Had I known that, and the amount involved was inconsiderable I would have appealed to the hon. Minister to kindly take away this Bill.

Some Hon. Members rose—

Mr. Speaker: I think there has been sufficient discussion. I call upon the hon. Minister.

Shri Khurshed Lal: My hon. friend Pandit Bhargava wanted to know the extent of the loss. I can tell him that in Bihar in one year, 433 miles of wire were stolen. In another year 448 miles were stolen. In Bengal in one year we lost 552 miles and in another year 518 miles. In Madras we lost 116 miles in one year and 66 miles in another. The two years are 1948-49 and 1949-50. The loss, I submit, is a great one. Apart from the value of the telegraph wires stolen, this offence causes a tremendous amount of dislocation in

the tele-communication service of the country and it may become a very great menace in times of emergency.

The other criticism which has been levelled against this Bill is that it seeks to change the ordinary rule of law and that it shifts the burden of proving innocence to the shoulders of the accused. The lawyer in me would have also revolted against such a provision, if things had been really as they have been painted to be. The peculiar circumstances of this case must be taken into account. It is only the Postal Department and the Postal Department alone that uses these three kinds of wires—150 lbs. to a mile, 200 lbs. to a mile and 300 lbs. to a mile. They are not available in the market. They only come to the Posts and Telegraphs Department. Ordinarily, the very fact that such wires are not available elsewhere would have at once given rise to the presumption that anybody who is found in possession of them had stolen them, but the trouble has arisen because during and after the war the Disposals sold away certain quantities of these wires. On account of this, another source has come into existence.

My hon. friend Mr. Chaudhuri said that the Postal Department have got no registers. For lakhs and lakhs of miles of these wires running all over the country, it is impossible for the Postal Department to prove that a particular piece of wire has come from the postal stock or from elsewhere. The only trouble, as I said, has arisen on account of the fact that Disposals sold these wires and therefore that defence is open to the accused. It is only to provide for that that provision has been made in the Bill that anybody who has got a stock of such wires may declare such stock within six months and a further time of six months has been given to him within which he may either convert them into ingots or sell them back to the Postal Department. It is only after these provisions are complied with—it is then and then alone—that no excuse is left for anybody to have these wires. These wires not being available in the market, a person may then be presumed to have stolen them from the Postal Department, and in such a case I submit that it is right and proper that the burden of proof should be laid on the accused. An assurance was wanted from me that during the course of these six months nobody would be prosecuted. I thought that this was apparent from the beginning. It was only for this purpose that a proviso has been incorporated in this Bill that no prosecution can be launched without the sanction of the Central Government or any officer authorised in this behalf. We shall

[Shri Khurshed Lal]

certainly see that within these six months there are no prosecutions launched. The proviso was made to help all innocent people.

I must confess that I have not been able to see the force of the criticism of my hon. friend Pandit Bhargava. Of course, we have incorporated that proviso, because if a man declares his stocks we do not want the burden to be put on him of proving that he came by that stock lawfully. In that case, if the prosecution wants to prosecute him, the prosecution will have to prove that he came by those stocks unlawfully. That is why the proviso is there. That proviso is a safeguard to the accused person and not otherwise.

I submit that this Bill should be taken into consideration.

Mr. Speaker: The question is:

"That the Bill to regulate the possession of telegraph wires and to provide for the punishment of the offence of unlawful possession thereof, be taken into consideration."

The motion was adopted.

बाबू रामनारायण सिंह : मेरा प्रश्न यह है कि अब तक इंडियन पेनल कोड (Indian Penal Code) के मुताबिक कितने मुकदमे चले जो सफलीभूत नहीं हुए दूसरे यह कि जो लोग तार चुराते हैं वह उसे किस काम में इस्तेमाल करते हैं ?

[**Babu Ramnarayan Singh (Bihar):** I want to know how many cases instituted so far under the Indian Penal Code have not been successful; secondly, what use these people make of the wire they steal?]

श्री खुशवंद लाल : कितने मुकदमे चले यह तादाद इस वक्त मेरे पास नहीं है, मगर यह इत्तला जरूर है कि बिहार और आसाम में जो मुकदमे चले वह छूट गये। यह तार किस काम में आता है उस के बारे में मेरी इत्तला यह है कि बहुत से बर्तनों के कारखाने उन्हीं तारों से चल रहे हैं।

[**Shri Khurshed Lal:** At present I do not possess the number of cases which were instituted, but I have the information that the accused in cases

which were instituted in Bihar and Assam were let off. As for the use made of this wire, my information is that several utensil making factories are running because of those stolen wires.]

श्री जे० आर० कपूर : क्या माननीय मंत्री महोदय यह बतलाने की कृपा करेंगे कि इस क्रिम का तार क्या अभी भी डिस्पोजल डिपार्टमेंट (Disposals Department) के पास कुछ है ? ओह यदि है तो कितना और क्या इस बात का प्रयत्न किया जा रहा है कि पोस्टल डिपार्टमेंट (Postal Department) उस तार को ले कर अपने काम में लाये या उम को गला कर इनगट्स (ingots) में बदल दे ?

[**Shri J. R. Kapoor (Uttar Pradesh):** Will the hon. Minister be pleased to state whether the Disposals Department is in possession of any more of such wire? And if so, how much? Whether efforts are being made that the Postal Department should take that wire in its possession and use that for its own purpose or after melting it change it into ingots?]

श्री खुशवंद लाल : जहां तक मेरी इत्तला है आज कुछ भी तार उन के पास नहीं है और अगर है तो पब्लिक में नहीं दिया जायेगा।

[**Shri Khurshed Lal:** So far my information goes, at present they are not in possession of any wire, and even if they possess some it will not be given to the public.]

Clauses 2 to 8 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Shri Khurshed Lal: I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

KHADDAR (PROTECTION OF NAME) BILL.

श्री श्री प्रकाश : मैं प्रस्ताव करता हूँ कि बुने हुए वस्त्रों के व्यापार में खद्दर और खादी की परिभाषा सम्बन्धी बिल (Bill) पर विचार किया जाये।

[MR. DEPUTY-SPEAKER in the Chair]

मेरा यह सौभाग्य है कि मुझे इस बिल को संसद् के सामने उपस्थित करने का मौका मिल रहा है। खादी और खद्दर का नाम लेते ही हम लोगों के सामने कितनी ही पुरानी मूर्तियाँ खड़ी हो जाती हैं और कितनी ही सुन्दर परम्परायें याद आने लगती हैं। तीस वर्ष हुए खादी के वस्त्र पहन कर और चर्खा हाथ में ले कर हम लोगों ने महात्मा गांधी जी के नेतृत्व में स्वराज्य का आन्दोलन आरम्भ किया था। उस समय मुझे स्वप्न में भी यह विचार नहीं आ सकता था कि एक दिन मैं इस स्थान पर खड़े हो कर इस के सम्बन्ध में एक विधान प्रस्तावित करूँगा।

इस विधान की एक छोटी सी कहानी है जो सम्भव है हमारे सदस्यों को कुछ दिलचस्प मालूम पड़े। मार्च १९२९ में हमारे महामान्य नेता पंडित मोतीलाल नेहरू ने इस संसद् में एक बिल-का प्रस्ताव किया था जिस में उन्होंने ने चाहा था कि खद्दर और खादी की परिभाषा बना दी जाये जिससे इंडियन मर्चेंडाइज मार्क्स ऐक्ट (Indian Merchandise Marks Act) में इस का समावेश हो जाये। पंडित मोतीलाल जी के साथ जिन्होंने काम किया है, और मैं उन भाग्यशाली आदमियों में से हूँ जो कि उन के साथ काम कर चुके हैं, वह उन्हें कभी भी नहीं भूल सकते। यद्यपि एक ही दो सदस्य अब इस संसद् में ऐसे रह गये हैं जिन्होंने उन की आवाज को इस भवन

में गूंजते हुए सुना था, परन्तु उन का नाम हमारे लिये सदा ही स्मरणीय रहेगा। वह आज हमारे बीच में नहीं हैं पर जो काम उन्होंने उस समय आरम्भ किया था उसे आज पूरा होते हुए देख कर अवश्य ही उन की आत्मा सन्तुष्ट होगी।

जो संसद् के नियम हैं उन के अनुसार शीर सरकारी बिलों का हमारे सामने आना ज़रा कठिन होता है, और उस बिल के सामने आने के पहले ही उन का देहान्त हो गया। हमारे सम्मानित मित्र श्री गया प्रसाद सिंह ने इस काम को सन् १९३१ में उठाया। उन का भी देहान्त हो चुका है। सन् १९३३ में आखिर उन के ऊपर बॉलट (ballot) ने कृपा की और...

श्री त्यागी : ऐसी हालत में वह मुझे चलाने के लिये दे दिया जाता।

श्री श्री प्रकाश : उन्होंने सन् १९३३ में उस बिल को यहाँ पर उपस्थित किया। उस के बाद संसद् के कायदे के मुताबिक इस बिल को सर्कुलेशन (circulation) में भेज दिया गया। फिर सिलेक्ट कमेटी (Select Committee) के सामने वह बिल आया और बार बार उस बिल के उसूलों पर इस संसद् में या यों कहिए, पुरानी व्यवस्थापिका सभा में बहल हुई। उस का विवरण बड़ा दिलचस्प है। हमारे सम्मानित मित्र श्री बी० दास से और जो आज हमारे उत्तर प्रदेश के राज्यपाल श्री होमी मोदी हैं उन में यहाँ पर बड़ी चर्चा हुई।

श्री मोदी का यह कहना था कि खद्दर और खादी की कोई परिभाषा न की जाये क्योंकि मिलों (Mills) में जो कपड़ा खादी के नाम से बनता है या जो जापान से कपड़ा खादी के नाम से आता है उसे भी खादी मानना चाहिये। कुछ

[श्री श्री प्रकाश]

बहस के बाद फरवरी सन् १९३४ में यह बिल यहां से पास हुआ। परन्तु जिस रूप में वह बिल स्वीकार किया गया उस से और पुराने प्रस्तावित बिल की शकल में बड़ा अन्तर था क्योंकि पंडित मौलीलाल जी और उन के बाद श्री गया प्रसाद जी तो यह चाहते थे कि सूत, ऊन या रेशम किसी भी प्रकार का हाथ से कता और बुना वस्त्र क्यों न हो, उस पर यह परिभाषा लागू हो पर जिस रूप में बिल स्वीकृत हुआ उस में सिर्फ सूत के ही कपड़ों का जिक्र था। साथ ही साथ प्रांतीय गवर्नमेंटों (Governments) को यह काम सुपुर्द कर दिया गया कि वह जब चाहें उस को लागू करें। इस का मतलब यह हुआ कि अगर वह न चाहें तो न करें। नतीजा यह हुआ कि इस बिल पर कोई भी कार्रवाई नहीं हुई क्योंकि प्रांतीय गवर्नमेंटों ने कोई प्रबन्ध नहीं किया जिस से कि इस बिल को कार्यान्वित किया जा सकता। उस समय श्री राजगोपालाचार्य ने एक पत्र श्री गया प्रसाद सिंह को लिखा जिस का उद्धरण करना उचित होगा।

उस पत्र को मैं अंग्रेजी में ही पढ़ रहा हूँ :

"The Bill should not be left to the sweet will and pleasure of the local executive authority to apply or not to apply the law. Such power will lead to a great difference in law between province and province in a matter of commerce. It would complicate the situation and render the law practically of no effect, and encourage fraud. Commercial laws should be universal and of uniform application. Indeed the trend is towards internationalisation. The idea of an all-India trade like that of revived hand-spinning being governed by a law that has effect in one province and not in another is absurd."

यानी श्री राजगोपालाचार्य ने श्री गया प्रसाद सिंह को यह लिखा था कि यह कार्य

प्रांतीय गवर्नमेंटों के हाथों में न छोड़ना चाहिये क्योंकि संभव है कि एक प्रान्त में एक कानून बनाया जाये और दूसरे प्रान्त में दूसरा कानून बनाया जाये जो व्यापार सम्बन्धी मामलों में न.मुनासिब होगा और इस से बहुत सी बेईमानियां भी फैल सकती हैं।

जो कुछ हो, यह कानून अमल में नहीं लाया गया और एक तरह की गड़बड़ी बराबर मची रही। नाना प्रकार के घागों से जो कपड़े बनाये जाते थे, मिलों में जो कपड़े बनते थे, वह सभी खादी के नाम से पुकारे जाने लगे और यह स्थिति आज तक बनी हुई है। सन् १९४८ में गवर्नमेंट आफ इंडिया (Government of India) ने प्रांतीय गवर्नमेंटों से और आल इंडिया स्पिनर्स एसोसिएशन (All India Spinners Association) अखिल भारतीय चर्खा संघ—से राय मांगी। उन्होंने पूछा कि क्या यह संभव है कि ऐसा कानून बनाया जाये कि वही कपड़ा खदर समझा जाये जो कि चर्खा संघ से प्रमाणित हो? क्या यह संभव है कि ऐसा कानून बनाया जाये कि वही लोग खदर बेच सकें जो कि चर्खा संघ से लाइसेंस (Licence) पावें? खेद है कि इस सम्बन्ध में हमारी बहुत सी प्रांतीय गवर्नमेंटों ने कोई भी दिल चस्पी नहीं ली। केवल बंगाल और मद्रास ने उत्तर दिया। बंगाल इस के विरुद्ध था और मद्रास ने लिखा कि हमारे यहां चर्खा संघ के अतिरिक्त और लोग भी शुद्ध खादी बनाते हैं, इस कारण हम को ऐसे कानून की कोई आवश्यकता नहीं है।

बाबू रामनारायण सिंह : बंगाल से क्या जवाब मिला ?

श्री श्री प्रकाश : बंगाल इस के विरुद्ध था। बंगाल नहीं चाहता था कि ऐसा कोई कानून बने और मद्रास ने लिखा कि हमारे यहां और लोग भी शुद्ध खादी तैयार करते हैं इस कारण हम को ऐसे कानून की कोई जरूरत नहीं है जिस से कि चर्खा संघ को ही यह अधिकार दे दिया जाये कि वह खादी को प्रमाणित करें या न करें।

चर्खा संघ ने भी जो उत्तर हमें दिया उस में उन्होंने लिखा कि लाइसेंस करने का काम तो हम लेने को तैयार हैं पर प्रमाणित करने का काम और उस की जिम्मेदारी हम नहीं ले सकते। ऐसी अवस्था में हम लोगों को और विचार करना पड़ा, लेकिन यह कहना मेरे लिए आवश्यक है कि चर्खा संघ ने यह भी कहा था कि खदर में हाथ से बुने और हाथ से कते रेशम, ऊन और सूत सब के कपड़े ले लेने चाहियें। जो प्रस्ताव हमारे हैं वह यह हैं कि एक तो खदर या खादी जो यह शब्द है उस की परिभाषा साफ़ तौर से कर दी जाये जिस से कि इंडियन मरचेंडाइज़ मार्क्स ऐक्ट में उस का समावेश हो जाये। इंडियन मरचेंडाइज़ मार्क्स ऐक्ट में यह कहा गया है कि जब किसी ऐसी वस्तु की जिस का कि व्यापार होता है उस की परिभाषा कर दी जाती है, तो यदि उस परिभाषा के विपरीत किसी वस्तु को उस नाम से पुकार कर के कोई बेचता है तो उस की सजा हो सकती है दूसरा प्रस्ताव यह है कि खदर में सूत और रेशम और ऊन के हाथ के कते और हाथ के बुने सब वस्त्र आ जायें। साथ ही साथ यदि हाथ के कते ऊन, या सूत या रेशम का किसी हाथ से बुने वस्त्र में मिश्रण हो तो वह भी

खदर समझा जाये। यानी यदि किसी वस्त्र में कुछ सूत हो, कुछ रेशम हो, कुछ ऊन हो,— चाहे तीनों हों, इन में से कोई दो हों,—जो ऐसा वस्त्र भी खदर माना जाये।

हमारा तीसरा प्रस्ताव है कि किसी को ऐसे वस्त्र को बेचने का अधिकार न हो जिस को कि लाइसेंस न मिला हो या किसी कारण वह लाइसेंस से मुस्तसना कर दिया गया हो। और चौथा प्रस्ताव यह है कि प्रान्तीय गवर्नमेंटों को यह अधिकार दिया जाये कि वह इस कानून को अमल में लाने के लिए समुचित क्रायदे बनावें। इच्छा यह अवश्य है कि आल इंडिया स्पिनर्स एसोसियेशन अर्थात् चर्खा संघ जिस के द्वारा खादी का इतना अच्छा ओर विस्तृत प्रचार हमारे देश में हुआ है उस को मुस्तसना रखा जाये उसे किसी प्रकार का लाइसेंस लेने की आवश्यकता न हो और साथ ही अगर वह किसी व्यापारी को प्रमाणित कर दें कि यह व्यापारी शुद्ध खदर बेचता है तो उसे भी गवर्नमेंट से लाइसेंस लेने की जरूरत न रहे।

इस प्रकार हमारे प्रस्तावों के चार विभाग हैं। पहले जो दो विभाग हैं यानी खदर की परिभाषा कर दी जाये जिस से कि इंडियन मरचेंडाइज़ मार्क्स ऐक्ट के अनुकूल वह हो जाये, और साथ ही साथ खदर क्या चीज़ है यह भी बतला दी जाये यानी हाथ से कते और हाथ से बुने सूत और ऊन और रेशम के कपड़े इन का तो सम्बन्ध केन्द्र की गवर्नमेंट से है और बाकी दो बातों का सम्बन्ध प्रान्तीय सरकारों से है। वह दो बातें यह हैं कि अधिकारी निश्चित किए जायें जो लाइसेंस दे सकते हैं और साथ ही साथ ऐसी संस्थाओं को बरी भी कर दिया जाये जिन्हें कि लाइसेंस लेने की जरूरत न हो। और साथ ही खादी की बिक्री के संबंध में उचित क्रायदे

[श्री श्री प्रकाश]

बनाए जायं। जब संसद् हमारे इस बिल को स्वीकार कर लेगी तब हम एक बिल को जिस का मस्विदा तैयार है, नमूने के तौर पर, प्रान्तों में भेज देंगे और उन से यह कहेंगे कि वह इस के मुताबिक अपनी अपनी व्यवस्थापिका सभाओं में कानून बनायें जिस से कि यह काम फौरन जारी हो सके और लाइसेंस देने का और खद्दर की बिक्री का काम जल्दी से जल्दी ठीक तरह होने लगे।

जब महात्मा जी ने अपना खद्दर का आन्दोलन आरम्भ किया था और हम में से बहुत से लोग जिन के मन में शंकायें थीं, उन से यह पूछने लगे कि आप केवल वस्त्र पर ही क्यों जोर दे रहे हैं, कितनी ही और चीजें हमारे देश में अती हैं उन पर जोर क्यों नहीं देते तो जो बात उन्होंने हमें बतलाई वह यह थी कि हमारे देश में साठ करोड़ का वस्त्र आता है, इस कारण सब से पहला मोर्चा हमें इस से ही लेना है। और जब उन से यह पूछा गया कि आखिर जो हमारे देश में मिलें हैं उन में जो वस्त्र पैदा होता है उस का क्या होगा, तो महात्मा जी ने यह उत्तर दिया था कि हम इस सब वस्त्र को अन्य देशों में भेज दिया करेंगे।

उस समय हम सब लोगों में से किसी को भी यह विश्वास नहीं होता था कि एक दिन यह आयेगा कि जब हमारे देश की मिलों के कपड़े की मांग और देशों में होगी, क्योंकि हम ने तो उस समय यही समझ रक्खा था कि हमें दूसरे देशों के ही ऊपर सदा के लिए कपड़ों के लिए निर्भर रहना पड़ेगा।

आज महात्मा जी की बात सत्य हो रही है, क्योंकि वह ही इतनी दूर देख सकते थे और उन्होंने उस समय जो बात

कही थी वह आज हम अपनी आंखों के सामने देख रहे हैं। आज अन्य देशों से इंग्लैंड से और अमेरिका से भी हमारे वस्त्रों की मांग आ रही है। यदि संसद् के सदस्य और हमारे सब भाई और बहन, जो इस देश में चारों ओर बसे हुए हैं, अपने दिलों में यह संकल्प कर लें कि हम हाथ के कते हुए और हाथ के बुने हुए ही कपड़े पहनेंगे तो हमारी मिलों का बना अधिक से अधिक वस्त्र हम बाहर भेज सकेंगे। इस से आज जो हम डालर और स्टर्लिंग के लिये रो रहे हैं और रोजाना आयात और निर्यात का हिसाब लगाया करते हैं और यह कोशिश करते हैं कि बाहर के देशों से हमारे देश में कम सामान आये और हमारे देश से बाहर के देशों को अधिक सामान जाये, यह सब प्रश्न सदा के लिये हल हो जायेंगे। इस प्रकार हम अपनी राजनीतिक स्वतन्त्रता अपनी आर्थिक स्वतन्त्रता के आधार पर सदा के लिये सुदृढ़ बना लेंगे।

(English translation of the above speech)

The Minister of Commerce (Shri Sri Prakasa): I beg to move:

"That the Bill to regulate the use of the words 'Khaddar' and 'Khadi' when applied as a trade description of woven materials, be taken into consideration".

[MR. DEPUTY-SPEAKER in the Chair]

I regard myself to be fortunate to have to move this Bill here in the Parliament. With the name of Khaddar and Khadi is associated the memory of many a personage and lovely tradition of times gone by. Thirty years ago, clad in Khadi and with Charkha in our hands we had begun our struggle for freedom under the leadership of Mahatma Gandhi. At that time by no stretch of imagination I could visualize that a day will come when I will have to move here a legislation on this subject. There is a little story behind this legislation which may probably be of some interest to the hon. Members. It was in March 1929 that our most respect-

able leader late Pandit Motilal Nehru tabled a Bill seeking to regulate the use of words Khaddar and Khadi so as to have it included in the Indian Merchandise Marks Act. Those of us, and I am fortunately one of them, who had been co-workers of late Pandit Motilal can never wipe out his memory. There is now hardly an hon. Member or two here in this Parliament who had heard this Chamber resounding with his voice, yet his name will ever be memorable to us all. He is no longer in our midst today but his soul must have surely felt satisfied to see the task initiated by him nearing completion.

In the scheme of things it is generally somewhat difficult to move non-official Bills in the Parliament. This being so, before that Bill could have been brought up, death snatched him away from us. Subsequently our respected friend Shri Gaya Prasad Singh, who also is no more with us, took up that work and it was only in 1933 that he could secure ballot and...

Shri Tyagi (Uttar Pradesh): Under the circumstances, I may have been asked to pilot the same.

Shri Sri Prakasa: He was able to introduce that Bill in 1933 and afterwards, in accordance with the rules of the then Legislative Assembly, it was sent for circulation. Subsequently it was referred to a Select Committee and then time and again its principles were discussed in the then Legislative Assembly. The account of that discussion is a very interesting one. Many hot words were exchanged between our hon. friend Shri B. Das and Shri Homi Mody, the present Governor of Uttar Pradesh.

The stand taken by Shri Mody was that the use of the words of Khaddar and Khadi should not be regulated as he was of the view that the cloth produced by the mills and which is called Khadi or which is imported from Japan as such should also be treated as Khadi. After some further discussion, in 1934 that Bill was passed. But there was a world of difference between the original Bill and the final form in which it was passed. Both Pandit Motilal and after him Shri Gaya Prasadji had wished that hand spun and hand woven cloth of all descriptions—cotton, woollen or silk, should be included in the definition of Khadi. But the Bill as passed, referred to cotton clothes only. At the same time the Provincial Governments were given a free hand to enforce the Act whenever they liked to do so which implied that they were not bound to enforce it at all should they so desired. Ultimately the result was that no

action was taken on the matter as the Provincial Governments made no arrangements whatsoever to enforce this Act. It would not be out of place if I quote a passage from a letter addressed by Shri Rajagopalachari to Shri Gaya Prasadji at that time.

I propose to read the original English text of the letter in question:

"The Bill should not be left to the sweet will and pleasure of the local executive authority to apply or not to apply the law. Such power will lead to a great difference in law between province and province in a matter of commerce. It would complicate the situation and render the law practically of no effect, and encourage fraud. Commercial laws should be universal and of uniform application. Indeed the trend is towards internationalisation. The idea of an all-India trade like that of revived hand-spinning being governed by a law that has effect in one province and not in another is absurd."

That is Shri Rajagopalachari had written to Shri Gaya Prasadji that it was undesirable to leave this matter to the Provincial Governments as there was a possibility of its leading to a great difference in law between province and province which is improper in matters of Commerce and may give rise to many a dishonest practice.

Whatever the case, the law in question was never given effect and in a way confusion continued to prevail. Cloth manufactured in the mills and elsewhere from many types of thread began to be termed as Khadi and the same state of affairs continues to exist till date. In 1948 the Government of India had invited opinions from the Provincial Governments as also from the All India Spinners' Association otherwise known as Akhil Bhartiya Charkha Sangh. They had asked whether it was possible to enact a legislation by which the name of Khadi could have been made applicable to only such cloth which bore the certificate from the Charkha Sangh to that effect and whether by any such legislation only the licensees of the Charkha Sangh could be entrusted with the sale of Khadi. I regret to say that most of our State Governments did not evince any interest in the matter. Replies were received from Bengal and Madras only. Bengal was altogether opposed to the idea while Madras did not feel any necessity of the law because apart from Charkha Sangh many others also were engaged in producing pure Khadi in that State.

Babu Ramnarayan Singh (Bihar):
What reply was received from Bengal?

Shri Sri Prakasa: Bengal was opposed to any enactment in this respect. Madras, on the other hand, had written that many private persons also were producing pure Khadi in the State. They had, as such, opposed the idea of any legislation which might seek to vest the *Charkha Sangh* with the sole right of certifying pure Khadi.

The reply received from *Charkha Sangh* indicated that while they were prepared to grant licences they could not undertake the task of certifying the genuineness of Khadi and the consequent responsibility. Under the circumstances we had to give further thought to the issue. I must add that the *Charkha Sangh* had also expressed itself in favour of the inclusion in Khadi of all hand spun and hand woven cloth, irrespective of its being made from silk, wool or cotton. We propose, therefore, firstly to give a clear definition to the words Khaddar or Khadi, thus bringing it within the purview of the Indian Merchandise Marks Act. It has been laid down in that Act that once any article of trade has been given a definition, then the trade under that label of any other article not covered by that definition is a punishable offence. Our second proposal is that all hand spun and hand woven cotton, silk or woollen cloth should be included in the definition of Khadi as also should be the case with any hand woven cloth which may contain mixed silk, woollen or cotton threads. It means that any cloth containing some threads of cotton or those of silk or wool or all the three together or only two of them should be regarded as Khadi. Our third proposal is that no such person, who does not hold a licence or from whom a licence has been withdrawn due to some reason, should be authorised to sell Khadi. Fourthly we propose to give powers to the State Governments to enact necessary measures to enforce this legislation within their respective territories. It is certainly our desire that the All India Spinners Association known otherwise as the *Charkha Sangh*, which has been responsible for so systematic and wide popularization of Khadi in our country should be exempted from acquiring a licence from the Government and we also wish that the same should apply in case of any trader who may be approved by the *Sangh* for the sale of pure Khadi.

Thus the proposals may be divided into four parts. The first two parts, namely the definition of Khaddar so

as to bring it within the purview of the Indian Merchandise Marks Act and to give a detailed description of Khaddar so as to extend the scope of the term to include all hand spun and hand woven cotton, silk or woollen cloth are the concerns of the Central Government while the remaining two are those of the State Governments. The States on their part are required to set up competent authorities for the purpose of granting these licences and simultaneously are empowered to exempt such of the organisations from the requirements of holding a licence in case of which it is not deemed necessary. They will also frame suitable rules for the sale of Khadi. After this Bill is passed in the Parliament, we shall circulate to the States a specimen Bill the draft of which is ready with us. We shall ask them to bring forward legislations in their respective Legislative Assemblies on the lines indicated therein and to take such steps whereby the grant of licences and the sale of Khadi on proper lines may be started at the earliest.

When Mahatma Gandhi had started the campaign of Khaddar, many people who were apprehensive of the move, went to enquire the reason for laying stress on Khaddar alone while so many other articles were also being imported in the country. He had then told us that cloth worth sixty crores of rupees was being imported in our country and naturally our first campaign must be launched against this import of cloth. When asked what will become of our mill-made cloth, he had told us that the entire mill-made cloth will be exported to other countries. At that time none of us could have believed that a time may come when there may be a demand of our mill cloth in the foreign countries. The reason was that we had hoped to remain ever dependent on other countries for our requirements of cloth.

Today, capable as he was to see so far in the future, the words of Mahatma Gandhi are coming true and we are witnessing the things then said by him happening before our own eyes. Now we are receiving demands for our cloth from countries like England and America also. If the hon. Members of this Parliament and millions of our brethren populating the four corners of this country would resolve to wear only the hand-spun and hand woven cloth then we will be in a position to export our mill cloth in largest possible quantities. This will permanently solve our problems of the Dollar and Sterling hardships, remove our day in and day out anxiety

in regard to our imports and exports and bring success to our efforts in regard to minimum imports and maximum exports. Thus shall we be able to make our political freedom secure on the firm foundations of economic freedom.

Shri Ramalingam Chettiar (Madras): May we have a translation of this speech?

Mr. Deputy-Speaker: The hon. Member wants a translation of the speech.

Shri Sri Prakasa: I can put in a few words, Sir, all that I said. If you, Sir, had been in the Chair when I started, I would have spoken in English; but as I found the Speaker in the Chair, I ventured to speak in Hindi. I could not change my language afterwards.

Mr. Deputy-Speaker: I do not think it is so much for me as it is for hon. Members of this House.

Shri Sri Prakasa: I address you, Sir, and if other hon. Members also listen, it is only due to their courtesy and kindness.

I gave, Sir, a short history of this Bill and told the House that as far back as 1929 Pandit Motilal Nehru had moved a Bill in this House to the effect that *Khadi* and *Khaddar* should be deemed to be trade descriptions within the meaning of the Indian Merchandise Marks Act. He passed away before the ballot box would yield him any precedence. Then our hon. friend, Shri Gaya Prasad Singh, who also unfortunately is no more, took up the story in 1931 and at last the ballot was kind to him in 1933 when this Bill was at last presented before the then Central Legislative Assembly, as it then was.

There were heated discussions in this House and Mr. B. Das, the father of this House, took a leading part in the discussions of those days. When the Bill was finally passed, it was mutilated beyond recognition. First of all they confined *Khaddar* to cotton and excluded silk and wool. Then they left to the Provincial Governments to enforce the law. Therefore, naturally, it remained a dead letter. At last, Sir, in 1948, the Government of India consulted the State Governments as also the All India Spinners' Association; and their proposals then were that *Khaddar* should be only such cloth as could be certified by the All India Spinners' Association and sold by dealers certified by them. Unfortunately, the Provinces took little interest. Only two Provinces replied, namely, Bengal and Madras. Bengal was against the proposals altogether;

and Madras said that as many institutions in Madras produced pure *Khadi* and that the production of pure *Khadi* was not confined only to the All India Spinners' Association, they did not want any law in this behalf. The All India Spinners' Association, while insisting that *Khaddar* should include hand-spun and hand-woven silk and woollen cloth also besides cotton, were not prepared to take the responsibility of certifying that all cloth so sold was real *Khaddar*, but they agreed to license shops that may be reasonably expected to sell *Khaddar*.

Our proposals, Sir, are four-fold. Firstly, that *Khaddar* should be a trade description within the meaning of the Indian Merchandise Marks Act, 1889; secondly, that *Khaddar* should mean cloth that is hand-woven in India out of cotton, silk or woollen yarn hand-spun in India, and should include cloth hand-woven with a mixture of hand-spun cloth, silk and woollen yarn. This stress on the word "India" is worth noting, because a large number of persons started thinking that if we got hand-woven and hand-spun cloth of foreign lands also and used them, we fulfilled our mission. That is not so. If people abroad also produce hand-spun and hand-woven cloth, then that cloth will not be regarded as *Khaddar* within the meaning of the word *Khaddar* as proposed in this Bill. But if foreigners in India spun and wove cloth, then that would become *Khaddar*. Therefore if Mahatma Gandhi's great disciple, Mira Ben, produced *Khaddar* herself, it would still be *Khaddar* even though she is not an Indian. But if I produce that in England, then the thing that I produce would not be *Khaddar* because it is definitely said that *Khaddar* means cloth hand-woven in India out of cotton, silk or woollen yarn hand-spun in India. This is a little snag worth keeping in memory.

These two matters, namely the definition of *Khaddar* and bringing in of *Khaddar* within the meaning of the Indian Merchandise Marks Act, are matters that pertain to the Central Government. Then there are two other matters, namely, the implementing of our desires by licensing individuals and institutions, where *Khaddar* can be sold, and then making rules in this behalf, are matters that pertain to the Provincial Governments. We have a model Bill ready which would be circulated to the Provincial Governments as soon as this Bill is passed by this House so that they may take in hand the necessary legislation and our wishes may thus be implemented. I have no doubt that they

[Shri Sri Prakasa]

would do so as soon as this House has put its seal of approval on this Bill and thus make it possible for our political liberty to be broad-based on economic self-sufficiency.

श्री आर० एस० तिबारी : मैं यह जानना चाहता हूँ कि क्या वह अंग्रेजी में हिन्दी से ज्यादा बोले हैं ?

[Shri R. S. Tewari (Vindhya Pradesh): I want to know whether he has spoken more in English than in Hindi?]

Mr. Deputy-Speaker. ठहरिये। Be a little patient. Let me first put the motion.

Motion moved:

"That the Bill to regulate the use of the words 'Khaddar' and 'Khadi' when applied as a trade description of woven materials, be taken into consideration."

श्री जे० आर० कपूर : मेरे मित्र ने अभी एक प्रश्न पूछा था, अभी उस का जवाब नहीं मिला।

[Shri J. R. Kapoor (Uttar Pradesh): My friend had just asked a question, it has not yet been replied.]

डिप्टी स्पीकर : धीरे धीरे।

[Mr. Deputy Speaker: Let it be one by one.]

Shri R. K. Chaudhuri (Assam): Sir, it is a proud occasion, as the hon. Minister rightly said, that we should come forward with such a Bill from the Government Benches.

4 P.M.

I would have very much liked on this occasion that my hon. friend the Minister had made some reference to the Assam silk which is pure *khaddar*. I would have liked him to have made the notable speech that he delivered to this House clad in Endi or Mogha achkan.

Shri Sri Prakasa: I shall do so when the amendment about that is moved.

Mr. Deputy-Speaker: Or when some cloth is presented.

Shri R. K. Chaudhuri: Very probably, having come from Assam a few months ago, he has partially forgotten.....

Shri Sri Prakasa: Never, never.

Shri R. K. Chaudhuri: Or very probably he is afraid that a competition

may be set up by Assam silk against Banaras silk.

In our province, there are three kinds of silk: Endi, Mogha and Patti. As regards Mogha, our great leader and Father of the Nation Mahatma Gandhi used to say that it was the best silk in India. I regret very much that although we have attained independence over three years ago, no one in this House except one or two wears or patronises that silk which is *khaddar*. So far as that *Khaddar* is concerned, there was no trouble from the British Government. The British Government looked askance at the production of Endi or Mogha silk. But, as soon as cotton *khaddar* was introduced, it was taken as an insignia of rebellion. In those days, in 1920 and 1921, I remember those persons who had put on *khaddar* were very much looked down upon by the Government of India and were reverend by the people of the country. Much has happened since then. Today it is said that black-marketeers put on the Gandhi cap as a sort of guise in order to gain favour with the Congress Ministries in the States as well as in the Government of India. They are putting on that uniform so that they may have easy access. We have also found that today those who put on a *khaddar* cap and *khaddar* dress are also very much looked down upon by a section of the public which is against Congress Government. While from 1921 to 1945, if you put on *khaddar* cap and *khaddar* dress the Government of the day looked upon such action with suspicion, when we can now put on *Khaddar* as freely as possible, the price of *khaddar* has gone up so much, spinning and weaving of *khaddar* has gone so low, that wearing of *khaddar* is now left only to an exclusive section of the people. Members of Parliament have got to put that on; Members of the legislatures of the States have to put that on; Members of the Congress have to put that on. As regards the ordinary people and common public, I most regretfully observe that cotton *khaddar* has been practically abandoned by the common people. The reason for this is that *khaddar* has become so costly that the ordinary person cannot afford to purchase it and put it on. For ordinary persons who have other avocations to attend to, the economic difficulties are so great that it is impossible for them to find time to spin and weave *khaddar*. I would beseech the hon. Minister to give his attention to this problem, as to how we can cheapen *khaddar*, and how we can make it possible for anybody who likes to put on *khaddar*, to have

khaddar. That is a problem which the Congress Governments in the States as well as in the Centre ought to take up.

I would like to point out another thing. It is very easy to weave. In our province, only the women weave. Every woman in an Assamese household weaves...

Shri Munavalli (Bombay): Weaves or spins?

Shri R. K. Chaudhuri: Weaves, generally. She spins silk. The women do not spin cotton. Even women of the lower middle class will put on silk; they do not put on anything but silk because they spin and weave silk. I am not tired of saying that the best qualification for a girl for making her eligible is the art of spinning and weaving. Now, of course women generally are adopting other methods to make themselves attractive by a clever and dexterous use of lipsticks, silk and georgette saris, and make themselves eligible for a suitable match. In our part of the country, if a girl is not able to spin...

Shri Syamnandan Sahaya (Bihar): If she is not a spinning girl.

Shri R. K. Chaudhuri:... and weave, she would not be considered ordinarily eligible for a suitable match. If there is anyone in this House who is still to be married, he may take this hint from me.

I do not want to take the time of the House; but I would only like to say this much that if in our province at least, we were allowed to use mill-spun cotton yarn to mix it with cotton *khaddar*, a part of the problem in our province would be solved. Because it is very difficult and it takes so much time to spin cotton. If our womenfolk spin silk during that time, they could produce more silk than they could produce cotton. For silk they get a higher price. Therefore, if our women spin, they spin silk. They purchase mill yarn for the purposes of their cotton cloth. They do not want to spin cotton because it is less economical. They purchase yarn and weave their cotton cloth. The cloth is woven at home, but the yarn is mill-spun.

Pandit Thakur Das Bhargava (Punjab): Is mill-spun yarn not cheaper than hand-spun yarn?

Shri R. K. Chaudhuri: No; it is not cheaper. It takes a lot of time. Our womenfolk do not want to spin cotton *khaddar*; they weave. They weave all their cloth using mill-yarn for the length side, warp, and pure *khaddar* for the breadth side.

Shri Sri Prakasa: If they spin, they remain spinsters; if they weave they get married.

Shri R. K. Chaudhuri: That is all I have to say, Sir.

Shri Raj Bahadur (Rajasthan): The hon. Member is spinning too fine and too long.

श्री श्रीराव : मैं नहीं समझा, हिन्दी में समझा दिया जाये ।

[**Shri Oraon (Bihar):** I could not understand, it should be explained to me in Hindi.]

डिप्टी-स्पीकर : थोड़ी देर बाद ।

[**Mr. Deputy-Speaker:** Wait a little.]

बाबू रामनारायण सिंह : सभापति महोदय, सबसे पहले मैं आपको बहुत धन्यवाद देता हूँ कि आपने मुझे इस बिल पर बोलने के लिये बहुत जल्दी अवसर दिया । सभापति जी, मैं इस भवन में इतने दिनों से हूँ पर मुझे सरकार को उसके किसी भी कार्य पर बघाई देने का बहुत कम अवसर मिला है । लेकिन आज जो भारत सरकार के एक मन्त्री और मेरे मित्र और पड़ोसी श्री प्रकाश जी सुन्दर हिन्दी भाषा में, अपनी राष्ट्र-भाषा में बोले हैं और उन्होंने खादी बिल को पेश किया है, इस के लिये मैं आज उनको और उनके द्वारा सरकार को बहुत बहुत हार्दिक बघाई देता हूँ । एक बात और भी सदस्य लोग जानते होंगे कि यह अवसर भी मुझे बहुत कम मिला है कि कोई मन्त्री बोले और मेरे मूह से हियर हियर (Hear, hear) निकले । लेकिन आज श्री प्रकाश जी ने जो कहा कि यदि हमारे देश के सभी नर नारी यह संकल्प कर लें कि वे खादी ही पहनेंगे तो इस देश में जो मिलों से कपड़ा बनता है उसको हम बाहर भेजें और उसके फलस्वरूप बाहर से चीजें मंगाने में जो हमको स्टर्लिंग (sterling) और डालर (Dollar) की समस्या पैदा होती है वह हल हो जायेगी,

[बाबू रामनारायण सिंह]

यह सुन कर मुझे बड़ा आनन्द हुआ और उस पर मैंने हियर हियर भी कहा। अब इस वक्त मैं श्री प्रकाश जी से कहूंगा और उन के द्वारा अपनी सरकार से भी कहूंगा कि देश के नर नारी तो संकल्प करेंगे ही, पर वह संकल्प कर लें और हमारी सरकार संकल्प कर ले कि जो रुपया वह पानी की तरह सब जगह बहा रहे हैं उसको खादी के प्रचार में लगावेंगे। सभापति महोदय हम समझते हैं कि एम्बेसी (Embassy) बनाने में और मोर फूड (Grow More Food) में करोड़ों रुपये खर्च हो रहे हैं। आज मेरे मित्र श्री प्रकाश जी सरकार की ओर से जरा कहें कि इस सरकार ने, इस गांधी की पैदा की हुई सरकार ने, कितना पैसा खादी के प्रचार में खर्च किया है। मैं कहता हूँ कि इस सरकार को कृतज्ञता प्रकट करनी चाहिये खादी का प्रचार करके। मैं तो कहता हूँ श्री प्रकाश जी संकल्प कर लें कि उनके विभाग में तब तक कोई बहाल नहीं होगा जब तक वह अपने हाथ से खादी न बनावें और न पहनें। इस तरह से मैं चाहता हूँ कि जो हमारी सरकार अब तक शायद हमारी समझ से देश के हित में शायद ही कुछ कर रही हो, और उस से यह अनुरोध करता हूँ कि वह इस तरह के भी काम करे कि मुझ जैसे व्यक्ति को भी आनन्द मिले। इस समय बूँक आप लोग जल्दी काम करना चाहते हैं मैं अधिक नहीं बोलना चाहूंगा, लेकिन मैं श्री प्रकाश जी को और उनके द्वारा सरकार को हृदय से बधाई देता हूँ और हृदय की गहराई से मैं अनुरोध करता हूँ कि अगर यह गांधी जी की बनाई हुई सरकार है तो इस सरकार का यह काम है कि साल भर के अन्दर सारे भारतवर्ष को खादीमय कर दे।

(English translation of the above speech)

Babu Ramnarayan Singh: Sir, first of all my thanks are due to you for giving me an opportunity to speak. Sir, I have been a Member of this House for a long time but I had very few occasions to felicitate the Government for its any achievement whatever. But today a Minister of the Government of India and my friend and neighbour, Shri Sri Prakasa has delivered his speech in beautiful Hindi, which is our national language and has presented the Khadi Bill in Hindi. For that I offer my heartfelt congratulations to him and through him the government also. The members may have also noted that I had few occasions to utter the words 'Hear', 'Hear', whenever a Minister was speaking. But I was overjoyed to hear Shri Sri Prakasa who said that if all the men and women of India resolve to wear Khadi only and export the mill made cloth of our country the result of that would be that the Dollar and Sterling problems will be solved, and on this I had expressed my joy. Now I urge upon Shri Sri Prakasa and through him the government also that there is no doubt that the people of our country would resolve to do so but he and our government also should resolve to utilise the huge sums, that are spent extravagantly elsewhere, for propagating the use of Khadi. Sir, I think millions of rupees are being spent for the establishment of embassies in foreign countries and in the 'Grow More Food Campaign'. Today let my friend Shri Sri Prakasa state on behalf of the Government, which is the creation of Gandhiji's efforts, as to how much our government has spent to propagate the use of Khadi. I submit that we should pay homage to him by popularizing Khadi. I would ask Shri Sri Prakasa to resolve that no one will be appointed in his Department who does not wear his own hand spun and woven Khadi. So I wish and request our government, which from our point of view is perhaps doing little in the interest of the country, to act in such a way so as to delight persons like me. As it is the intention to expedite the business of the House so I would not like to speak any more, but I heartily congratulate Shri Sri Prakasa and the government through him and earnestly request that if this government is the creation of Gandhiji, it is the duty of this government to make India Khadi minded within a year.

श्री आर० ऐस० तिबारी : मैं कहना चाहता हूँ कि हमारे मंत्री महोदय ने एक

बार हिन्दी में भाषण दिया है और उस पर आपत्ति की जा रही है कि भाषण अंग्रेजी में होना चाहिये। हम तो यह आशा लगाये बैठे हैं कि हिन्दी जो हमारी राष्ट्र भाषा है उसका उपयोग होना चाहिये। हम तो चाहते हैं कि जो भाषण अंग्रेजी में हों उनका उल्था हिन्दी में किया जाये। यह मुझे आपसे कहना है।

[**Shri R. S. Tewari** (Vindhya Pradesh): I want to say that our Minister has only once delivered his speech in Hindi and even then objections are being raised that the speech should be in English. We have been hoping that Hindi, which is our national language, should be the medium of expression here. We want English speeches to be translated in Hindi.]

श्री ओराँव : हम तो अंग्रेजी नहीं जानते। हम चाहते हैं कि हिन्दी में बोला जाय जिसमें हम भी समझ सकें। हिन्दी न जानने वालों ने यह मांग की कि अंग्रेजी में बोलना चाहिये तो हम अंग्रेजी न जानने वाले भी यह मांग करते हैं कि हिन्दी में हमको बतलाया जाय कि क्या बोला गया है।

[**Shri Oraon** (Bihar): I do not know English. I want that the speeches should be delivered in Hindi so that I may also understand them. Those who do not know Hindi have demanded that the speeches should be made in English, similarly we, who do not know English, also demand that whatever is spoken here should be explained to us in Hindi.]

Prof. K. K. Bhattacharya (Uttar Pradesh): I must avail myself of this opportunity to express my sincere thanks and congratulations to the Government for bringing this measure. Such a measure was long over-due and I congratulate the Government on bringing it up at least now.

I would however like to warn the Government against spurious *khaddar*. I know that in the U.P. there are many places where spurious *khaddar* is available and I do hope that sufficient measures will be taken to safeguard against the sales of such spurious *khaddar*.

I would like to mention one other point. I do not know if Assam silk would come within the ambit of *khaddar*. If it does, then I submit

that Berhampur silk also should come in. Even to-day Berhampur silk of West Bengal is regarded as indigenous product, being homespun. Therefore it should be included in the word *khaddar*.

At the same time, I would like to state that the fight for freedom was waged by cladding oneself in *khaddar* and therefore silk as a whole should be excluded. Only woollen and cotton cloth should be included. Silk which is a sign of gaiety should be excluded. The badge of the freedom's struggle has always been simple *khaddar* and therefore only cotton *khaddar* and woollen *khaddar* should be included, nothing else than that.

Shri Sri Prakasa: Orthodox people need silk at the time of their meals and worship.

Prof. K. K. Bhattacharya: My hon. friend Shri Chaudhuri castigated congressmen in *khadi* who indulge in black-marketing. I may tell all those critics who agree with him that there are even greater black-marketeers who do not put on *khaddar*. But if any congressman indulges in black-marketing, then he should be handed over to the authorities and he should be hounded out of society. I can tell Mr. Chaudhuri that he owes it as a duty, as an old senator it is his plain duty to the country to find out such congressmen, and hand over their names to the Congress President for immediate punishment to be meted out to them.

I would only like to add one thing. *khaddar* should be encouraged by all means and I wholeheartedly support the suggestion made by Babu Ramnarayan Singh in this respect. Whereas Government spends lot of money on some measures of doubtful utility it should not leave off the encouragement of *khaddar*. In fact it is a thing that requires great encouragement. I want that *khadi* sales should go up and we should have it in all the villages and towns and everyone, the upper class, the middle-class people and those in the lower class also should all take to *khaddar*. Perhaps it is not known to some hon. Members that because of the manufacture of *khaddar*, a large number of widows and destitute women are enabled to earn their livelihood, and it is indeed, a great boon conferred upon society. I once more congratulate the Government on the measure they have brought forward.

श्री जांगड़े : माननीय उपाध्यक्ष महोदय, आज मुझे बड़ी प्रसन्नता है कि

[श्री जांगड़]

माननीय मंत्री महोदय ने हिन्दी भाषा में खादी के बारे में भाषण दिया। शायद खादी से लगी हुई कांग्रेस की तगस्या और त्याग ने उन्हें हिन्दी में बोलने की प्रेरणा दी हो, इसलिये मैं उन्हें हार्दिक वधाई देता हूँ।

मैं ने इस संसद् में मौखिक उत्तर के लिये कई बार प्रश्न भेजे कि सरकार के कर्मचारियों को, विशेषकर पुलिस कर्मचारियों को और चपरासियों को खादी की वरदी पहनाई जाये। परन्तु उस प्रश्न को इस संसद् ने यानी माननीय स्पीकर महोदय ने स्वीकार नहीं किया।

अतः आज मैं यह शुभ अवसर पाकर इस विषय में बोलता हूँ कि हमारी सरकार खादी को नकली खादी से बचाने के साथ यह भी कार्य करे कि अपने सरकारी कर्मचारियों को भी खादी की वरदी पहनने के लिये उत्साहित करे। शायद प्रान्तीय सरकारों से और केन्द्रीय सरकार से यह आपत्ति उठाई जा सकती है कि खादी मंहगी होती है और सरकार के पास अभी पैसा कम है, इसलिये खादी की वरदी पहनाने में सरकार को अधिक खर्च करना पड़ेगा। यदि हमें खादी को सचमुच बढ़ावा देना है, उसे जनता में मान्य बनाना है तो हमारी सरकार को भी एक आदर्श रूप रखना होगा कि वह अपने सरकारी कर्मचारियों को, विशेषकर पुलिस कर्मचारियों को और चपरासियों को, खादी की वरदी पहनावे और वह आदर्श सामने रखे।

मुझे यह देख कर दुख होता है कि धी के साथ धोकेबाजी की जाती है दूध के साथ धोखेबाजी की जाती है और अब खादी के साथ भी धोकेबाजी

की जाती है। राष्ट्रीय कार्यों में जिस खादी ने हमें स्वराज्य दिलाया जो खादी, सत्य और अहिंसा ही गांधीजी के मुख्य सिद्धान्त थे, उस में भी हमारे व्यापारी लोग और बहुत से अन्य लोग आज खादी को दबाने के लिये नकली खादी का उपयोग करते हैं, यह बड़े ही दुःख की बात है। वह चरखा संघ, विशुद्ध खादी भंडार, शुद्ध खादी भंडार इत्यादि के नाम से प्रचार करते हैं, अनर्गल प्रचार करते हैं और हम कांग्रेसियों को और सारी जनता को खादी के विषय में भ्रम में डालते हैं और हजारों लाखों आदमियों को धोखा देते हैं। इसलिये मैं सरकार को इस बारे में बधाई देता हूँ कि वह नीक अवसर पर, ठीक अवसर पर, इस बिल को लाई है।

अक्सर नकली चीज असली चीज से सस्ती होती है और इस लिये हम लोग धोखे में पड़ जाते हैं कि यह चीज सस्ती है और इस तरह नकली खादी को पहन लेते हैं। इस से क्या होता है कि हमारा जो खादी का बहुत सा कपड़ा तैयार किया जाता है वह उपयोग से वंचित हो जाता है और आज ऐसी अवस्था है कि बहुत से खादी भंडारों में हमारा खादी का कपड़ा अभी भी बचा हुआ है जिस का कि प्रयोग नहीं होता है। यह कहा जाता है कि खादी मंहगी है तो वह मंहगी क्यों न हो, क्योंकि नकली चीजें उस के सामने आ गयी हैं। इस संसद् में और हमारे देश में बहुत कम लोग ऐसे होंगे कि अपने हाथ से खादी का सूत निकालें और अपने हाथ से बुनकर खादी का कपड़ा पहनें। यह तो मुश्किल बात है। इसलिए खादी के केन्द्रों में जहां खादी का रेशा निकाला

और उसका कपड़ा बना जाता है वही कपड़ा हमको मिले इसके लिए कोई प्रमाण चाहिये। हमारे लिए यह पहचानना बड़ा मुश्किल है कि कौन असली खादी है और कौन नकली खादी है। इसलिए जो असली खादी है, विशेष कर रेशम के कपड़े और और जो कपड़े हैं उसके लिए कोई प्रमाण होना चाहिए जिससे कि हम धोखे में न पड़ सकें। इसलिए यह सरकार ठीक समय पर इस कानून को लाई है और मैं उसको बघाई दिए बिना नहीं रह सकता।

अब शायद यह विचार किया जा सकता है कि प्रान्तीय सरकारों को खादी के प्रमाणित होने या न होने का अधिकार दिया जाये या किसी कमीशन को, आयोग को, यह अधिकार दिया जाये। परन्तु मैं इसके विरुद्ध हूँ। प्रान्तीय सरकार या कोई आयोग इतना कुशल नहीं है कि जो यह बता सके कि खादी प्रमाणित है या अप्रमाणित और उनके न जानने की आड़ में धोखे से हमारे व्यापारी लोग नाजायज फ़ायदा उठा सकेंगे। इसीलिए मैं चाहता हूँ कि खादी को प्रमाणित करने का अधिकार अखिल भारतीय चरखा संघ को ही दिया जाय और दूसरी किसी संस्था को नहीं।

(English translation of the above speech.)

Shri Jangde (Madhya Pradesh): Sir, today I was glad to hear the hon. Minister speaking in Hindi about *khaddar*. Perhaps he might have been inspired by the devotion and sacrifice of the Congress which is associated with *khaddar*, therefore, I heartily congratulate him.

On many occasions, I had sent a question for oral answer in this House suggesting that the Government employes specially of the police department and peons should be provided with *khaddar* uniforms. But that question was not allowed by the

hon. Speaker. Therefore, taking this opportunity today, I am speaking on this subject. The Government should not only protect *khaddar* from spurious *khaddar* but also encourage its employees to wear *khaddar* uniforms. Perhaps the Central and the Provincial Governments may raise the question that *khaddar* is costly and they have not got enough finances at present, and, more expenditure will have to be incurred in providing *khaddar* uniforms. But if we really want to encourage *khaddar* production, if we want that people should make greater use of it, then our Government will also have to place an ideal before the public by providing its employees, specially of the police department and peons with *khaddar* uniforms. I want that the Government should place an ideal like that.

I am pained to see that *ghee* and milk are adulterated and now spurious *khaddar* is also being produced. We obtained independence due to *khaddar*. *Khaddar*, truth and non-violence were the tenets of Gandhiji. It is really very sad that our traders and other people are producing spurious *khaddar* in order to wipe out genuine *khaddar*. They advertise it in the name of Charkha Sangh, *Shuddha Khadi Bhandar* (genuine *khaddar* store), etc. By doing this kind of false propaganda they make the Congressmen like us doubtful regarding *khaddar* and millions of people are cheated in this way. Therefore, I congratulate the Government on bringing this Bill at the appropriate time.

Generally spurious material is cheaper than the genuine one. Being doubtful, we purchase spurious *khaddar* because it is cheaper. The result is that a large quantity of genuine *khaddar* remains unsold. Today the position is that most of the genuine *khaddar* remains unsold in many of our *khaddar bhandars*. It is said that *khaddar* is costly, it is costly because spurious *khaddar* is being produced. There are few Members in this House and few people in the country who wear *khaddar* spun and woven by themselves. This is a difficult job. Therefore we need some proof to show that the *khaddar* we purchase is genuine and has been prepared in the *khaddar* production centres. It is very difficult for us to distinguish between genuine and spurious *khaddar*. Therefore there must be some proof regarding genuine *khaddar* specially the silk one so that we may not be deceived. I cannot resist the temptation of congratulating the Government on bringing this Bill at the appropriate time.

[Shri Jangde Ram]

Now the problem may arise whether the Provincial Governments or a Commission should be authorised to certify the genuineness of *khaddar*. But I am against this. There is no Provincial Government or Commission so expert as to be able to differentiate between genuine and spurious *khaddar* and traders will take undue advantage of this lack of experience. Therefore I submit that this power of certifying should be given only to the All-India Charkha Sangh and to no other institution.

श्री सिधवा : सभापतिजी, जो बिल आप के सामने पेश किया गया है मैं उस की दिलचस्पी से ताईद करता हूँ। महात्मा गांधीजी ने सन् १९२० में खादी का ऐलान किया और उन्होंने हिन्दुस्तान की आजादी के पहले सिम्बल (symbol) की नज़र से यह खादी का प्रचार शुरू किया। उस दरमियान में खादी बढ़ती गयी मगर नक़ली खादी भी आने लगी और उन्होंने अमृतसर में जब यह ऐलान किया तो मिल वालों ने नक़ली खादी पैदा की और लोग नक़ली खादी पहनने लगे। उस से उन को रंज हुआ। बार बार कहा जाता था कि खादी मंहगी होती है और जल्दी फट जाती है, यह ठीक बात है। खादी मंहगी होती थी और जल्दी फट भी जाती थी। लेकिन सभापतिजी, मैं आप को बताना चाहता हूँ कि सन् १९२० के पहले मैं भी विदेशी कपड़ा पहनता था, मैं भी अच्छा सूट विदेशी कपड़े का पहनता था, टाई, कोट, कालर के साथ। लेकिन उस के बाद मैं मंहगी और जल्दी फट जाने वाली खादी को पहनने लगा तो मैं ने देखा कि ओवरऑल (overall) में उस का खर्चा कम आया। यानी जो सूट मैं पहनता था उस के मुक़ाबले में खादी का कपड़ा सस्ता पड़ने लगा। वो खादी को उस तरह नहीं सोचा जा

सकता कि वह लांग क्लॉथ (long cloth) जो मिल का है उस से उस के दाम ज्यादा हैं और लांग क्लॉथ के दाम कम हैं। उस तरह से इस का मुक़ाबल नहीं हो सकता। यह सादी चीज़ गांधीजी न देश के सामने पेश की। उन को रंज हुआ कि मैं ने एक चीज़ मुल्क और लोगो के सामने रखी और लड़ाई के दौरान मैं जब विदेश से कपड़ा नहीं आ सकता था और हिन्दुस्तान में भी नहीं मिल सकता था तो अगर खादी का पूरा प्रचार हो जाता तो हिन्दुस्तान में पूरा कपड़ा मिल सकता था।

फिर अब आज क्या हालत है ? अब जब आजादी मिली तो भी खादी का प्रचार नहीं हो रहा है। और मुझे अफसोस है कि इसकी उत्पात का सरकार को जिस प्रकार प्रचार करना चाहिये था उन्होंने नहीं किया। गवर्नमेंट लाखों रुपये का कपड़ा मिलों से लेती है। हम ने कहा कि जेल में जो कपड़ा मिलता है वही लो, उस से भी कुछ थोड़ा बहुत पैसा बचेगा मगर गवर्नमेंट ने इस बात को सोचा ही नहीं। मैं कहता हूँ कि गांधीजी ने एक सिद्धान्त जिस तरह हमारे सामने रखा उस से हम ने आजादी पाई। अब आज जब हम ने हुकूमत पाई तो उस इकानामिक कंडीशन (economic condition) को हम सामने नहीं रखते हैं और हम कुछ नहीं करते हैं तो मुझे रंज होता है। अब आज कल इस में पैसे का सवाल नहीं आता है। आज कल खादी अपनी अच्छी मिलती है कि जो नुमायशों होती हैं उन में जो खादी दिखाई जाती है वह तरह तरह की सुन्दर और मजबूत खादी होती है। तो आज यह कहना कि खादी फट

जायेगी और उसका रंग कच्चा होगा, अच्छी खादी नहीं मिल सकती, यह बात में मानने के लिए तैयार नहीं हूँ। इस वास्ते मेरा कहना है कि गवर्नमेन्ट जो बिल लाई है तो बहुत खुशी की बात है। नकली खादी के लिये वह बिल लाया करे। लेकिन खादी का प्रचार करने का जो आदर्श था उसे भी किसी तरह बढ़ाना चाहिये। आल इंडिया स्पिनर्स एसोसिएशन (All India Spinners Association) के जरिये से अभी यह खादी के लिये जो बिल में रखा गया है यह ठीक बात है। खादी के लिये सर्टिफिकेट होना चाहिये। लेकिन मैं कहूँ कि आल इंडिया स्पिनर्स एसोसिएशन भी बाज़ बाज़ ऐसी सख्त स्कीम रखता है कि जो सचमुच शुद्ध खादी पहनने वाले हैं उन के लिये वह मुश्किल हो जाती है। उनका कहीं कहीं एक सर्किल (Circle) होता है उसी सर्किल के जरिये वह खादी लेते हैं, इस के माने यह होते हैं कि वह खादी मंहगी होती है। मैं ने कई खादी देखी हैं जो बिल्कुल शुद्ध होती हैं लेकिन आल इंडिया स्पिनर्स एसोसिएशन के सर्टिफिकेट के बिना वह खादी शुद्ध नहीं मानी जाती लेकिन मैं यकीन से कहता हूँ कि मैं शुद्ध खादी पहनने वाला हूँ लेकिन मुझे इजाजत नहीं है। हालांकि जो खादी आल इंडिया स्पिनर्स एसोसिएशन से सर्टिफाइड नहीं है वह शुद्ध है और सस्ती भी है, मैं बम्बई की बात बतलाऊंगा कि जो खादी शुद्ध है लेकिन सर्टिफाइड (Certified) नहीं है उसका दाम १५, २० फ्री सदी कम है।

श्री चट्टोपाध्याय: लेकिन लिविंग वेजेज (Living wages) उन को कम दी जाती हैं।

श्री सिषबा: वह मुझे मालूम नहीं है साहब कि लिविंग वेजेज दी जाती हैं या

नहीं, वह दूसरी चीज़ है, लेकिन मेरा कहना यह है कि इस बात को नज़र में रखते हुए जब आप ने नकली खादी की बात कही तो उस के साथ कुछ प्रचार भी तो करो। आप का काम जो है उस का मुल्क को पता तो लगे। हमारी गवर्नमेन्ट जब नकली खादी को बन्द करने के लिये बिल लाई है तो उस का दायरा बढ़ाने के लिये कोशिश भी तो की जाये। मेरे दोस्त रामनारायण सिंह ने कहा कि गांधीजी यह कहते कहते मर गये कि खादी एक साल के अन्दर देश में आ जाये लेकिन मैं उन से सहमत नहीं हूँ और यह मानता हूँ कि खादी का प्रचार करने का बहुत काम अभी भी हो सकता है। मैं पूछना चाहता हूँ कि गवर्नमेन्ट ने क्या किया है? आज हम को आज़ाद हुए तीन साल हो गये, अगर गवर्नमेन्ट को खादी से मुहब्बत है तो उन्होंने उस के बाद खादी के बारे में क्या किया है। हालांकि मैं मानता हूँ कि उन को खादी से प्रेम है फिर भी मैं जानना चाहता हूँ कि उन्होंने क्या किया है और यह भी बताये कि आगे क्या करना चाहती है। मैं यह भी साफ कहता हूँ कि मैं सिल्क की खादी के पक्ष में हूँ, सिल्क खादी होना चाहिये। आसाम की सिल्क की साड़ी मेरी लड़की पहनती है और वह इतनी अच्छी है कि मैं उस का बयान नहीं कर सकता हूँ। इसलिये आसाम को सिल्क के लिये यह कहना कि वह अच्छी नहीं है यह नहीं होना चाहिये। मैं इस सिल्क का मुखालिफ नहीं हूँ। आल इंडिया स्पिनर्स एसोसिएशन ने आसाम की रेशमी साड़ी को भी खादी में रखा है। यह कहना कि हर एक सिल्क नहीं शामिल करना चाहिये ख़दर में यह ठीक नहीं है जो लोग आज कल के माडर्न आदमी हैं वह रेशम पहनते हैं, वह एरिस्टोक्रेट (aristocrat) आदमी हैं तब भी उन को

[श्री सिधवा]

भी सूती खादी मिले, रेशमी खादी मिले या ऊनी खादी मिले। इस में कोई रूकावट नहीं होनी चाहिये। अगर कोई रूकावट है तो उस को दूरस्त करना चाहिये। रेशम की खादी जो हाथ से कतेगी और उस को हाथ से बना जाये उस को शुद्ध खादी माना जाये। गांधीजी का इंटरप्रेटेशन (interpretation) जो है वह ठीक है। रेशम से हो, या ऊन से हो, या सूत से हो सब खादी है। इसलिये सभापति जी मैं इन अल्फाज के साथ खुशी से इस बिल की नाईद करता हूं। मैं उम्मीद करता हूं कि गवर्नमेन्ट ने इस बिल को ला कर जो काम किया है उस के साथ खट्टर के प्रचार करने की भी कोशिश करेगी और मुल्क के अन्दर इस का दायरा बढ़ाने की कोशिश करेगी जिस से पता लगे कि अपनी गवर्नमेन्ट भी इस के लिये बहुत कुछ करना चाहती है।

(English translation of the above speech.)

Shri Sidhva (Madhya Pradesh): I give my earnest support to the Bill that has been presented before the House. Mahatma Gandhi launched the *khadi* movement in 1920 and propagated it as the first symbol of India's independence. Thus *khadi* began to gain popularity but in the meantime spurious *khadi* also started coming in. As soon as he made the declaration in favour of *khadi* at Amritsar mill-owners started turning out spurious *khadi* and people started using the same. This grieved him. It was often said that *khadi* is dear and soon wears out. That is correct. *Khadi* used to be dear and was soon worn out too. But, Sir, let me tell you that before 1920 I too used foreign cloth, I too used to wear a fine suit made out of foreign cloth with a coat, a tie and a collar. Later on, however, when I started using that dear and non-durable *khadi* I discovered that, everything considered, it was less expensive. That is to say, I found the *khadi* dress cheaper than the suit that I was accustomed to wear. Of course, we cannot consider the question of *khadi* in such a way as to compare it with long cloth and say that it is dearer than long cloth. Such a comparison would not be proper. This

khadi was an idea which Gandhiji put before the country. He was, however, grieved to find that there was poor response from the country and the people to the proposition he had placed before them, for during the war when cloth could not be imported from foreign countries and it was not properly available in India either, we could have attained self-sufficiency in the matter of cloth if there had been adequate propagation of *khadi*.

Now what is the position today? Even after the attainment of independence we do not find *khadi* being propagated. I regret to have to say that the Government have not encouraged the production of *khadi* to the extent they were expected to do. The Government buys cloth worth lakhs of rupees from the mills. We had suggested to them that they might buy cloth made in the jails for even that would bring us some saving but the Government did not even consider that suggestion. Gandhiji gave us an ideology which helped us to achieve our freedom but now that we have come to hold the reins of Government we have become oblivious of that economic condition and are not doing anything in that direction. This grieves me. Now it no longer involves financial considerations. Very good quality of *khadi* is available these days. The *khadi* displayed at the exhibitions is fine, durable and of variegated designs. Hence I am no longer prepared to concede the argument that *khadi* is easily worn out, or that its colour fades away or that good *khadi* is not available. It is, therefore, a matter of much gratification that the Government has brought forth this Bill. It is good to legislate against spurious *khadi* but they must also pursue the ideal of propagation of *khadi*. The provision in the Bill regarding the certification of *khadi* by the All India Spinners' Association is a good one. A certificate must be given for genuine *khadi*. But I must say that even the All India Spinners' Association sometimes brings out such rigid schemes as cause hardship even to the genuine wearers of *khadi*. For instance, they have their fixed circles and it is only through these circles that they purchase their *khadi* with the result that such *khadi* is expensive. I have seen many a type of *khadi* which is quite genuine but is not considered as such owing to the absence of a certificate from the All India Spinners' Association. I can say quite confidently that I am a wearer of pure *khadi* but I am not permitted to wear that other *khadi* which is not certified by the All India Spinners'

Association, although it is both pure and cheap. In Bombay, for instance, pure but uncertified *khadi* is sold at a 15 to 20 per cent. lower rate.

Shri Chattopadhyay (West Bengal): But they are paid less than the living wages.

Shri Sidhva: I do not know whether or not living wages are paid to them, for that is a different matter. However, what I mean to say is that when, considering that aspect, we talk about spurious *khadi* it is also encumbent upon us to do some propaganda against it. Let the country know about our activities. Since our Government has brought forth a Bill to ban spurious *khadi* they should also make efforts to expand the field of production of genuine *khadi*. My friend, Babu Ramnarayan Singh, has remarked that Gandhiji had till his death been laying emphasis on the full propagation of *khadi* in the country within a year. I do not agree with him. I do concede, however, that a good deal can be done in the direction of such propagation even now. What has the Government done, I ask? Three years have passed since we got our freedom. If our Government had any love for *khadi* what have they done about it during this period? I concede they have love for *khadi* but I should like to know what have they done for it as also what do they intend doing in future. I also want to say explicitly that I am in favour of silk *khadi*, we should have silk *khadi*. My own daughter uses sarees made of Assam silk and they are so nice that I am unable to give them enough praise. It is not proper, therefore, to decry Assam silk. I am not against that silk. The All India Spinners' Association have also included the silken *saree* of Assam under the term '*khadi*'. It is not proper to say that no silk should be included under *khaddar*. The modern man is fond of wearing silk. There are aristocrats too who should be provided with cotton *khadi* or silken *khadi* or woollen *khadi*. There should be no bar. In case there be any bar of that kind it should be removed. Silken *khadi* which is made out of hand-spun yarn and is hand-woven should be recognised as pure *khadi*. Gandhiji's interpretation on that point is the right one. All *khadi* is equally good whether it be made of silk, wool or cotton. With these words, I gladly support this Bill. I hope that alongside with the step the Government have taken by the introduction of this Bill they would also take steps to propagate *khaddar* and extend its domain of influence in this country so that its intentions to do a great deal in that behalf might become known.

شری تی۔ حسین۔ سہا پتی جی۔
میرے لائق منسٹر کو دو چھڑوں کی
مبارکباد ملی ہے۔ ایک ہمارے
دوست روہلی کار صاحب نے دی
ہے کہ یہ بل حکومت لائی ہے۔
انہیں کوئی اُمید نہیں تھی کہ
حکومت ایسا اچھا بل لا سکتی ہے۔
اسکی ایک مبارکباد ملی دوسری
مبارکباد میرے لائق دوست بابو
رام نرائن سنگھ نے دی کہ آپ ہلدی
میں بولے۔ اس کی بھی انہیں
اُمید نہیں تھی۔ میں تیسری بات
کی مبارکباد دیتا ہوں اور وہ یہ
کہ آپ پہلے شخص ہیں حکومت
کی گدی پر جو کہ ہلدی میں
بل پیش کر رہے ہیں اور کسی
نے نہیں کہا ہے سوا مولانا صاحب
کے۔ وہ بھی اس لئے کہ وہ انگریزی
میں بولتے ہی نہیں ہیں۔

کچھ آنریبل ممبر۔ پلڈت جواہر
لال بول چکے ہیں۔

شری تی۔ حسین۔ میں بل پیش
کئے جانے کے وقت کی تقریر کا تذکرہ کر
رہا ہوں۔ انٹروڈکشن آف دی بل
(Introduction of the Bill)
وقت تک ہاؤس (House) کے اندر
کسی منسٹر نے آج تک ہلدی میں
اس کو انٹروڈوس (introduce) نہیں
کہا۔ آپ پہلے شخص ہیں اور اسکی
مبارکباد میں ان کو دے رہا ہوں۔
اسلئے بڑی ضرورت ہے کہ آج ہمارے
بھارت میں کھادی کے بل پر چاہے
کھادی زبان میں تقریر بھی ہو اور اسلئے
آپ نے آج جو تقریر کی ہے وہ ایک
یونیک (unique) چیز ہے۔

اس بل کے متعلق مجھے یہ
کہنا ہے کہ سنہ ۱۹۳۳ میں جو

[شری ٹی - حسین]

ایکٹ ہوا وہ نامکمل کھدر کا ایکٹ تھا۔ اس کے معنی یہ تھے۔ جناب صدر میں سمجھتا ہوں کہ آپ مہری لڑو سمجھتے ہیں کہوں کہ آپ خود بہت لائق ہیں۔ وہ جو ایکٹ (Act) ۱۹۳۳ کا تھا اس کا مطلب یہ تھا کہ لفظ کھدر اور کھادی کا جو غلط استعمال ہو رہا ہے اس کو روکیں۔ لیکن اس ایکٹ کے اندر ایک کمی نہیں تھی (defect) تھا۔ ایک کمی یہ تھی کہ اس ایکٹ کے ذریعہ سے جو کھادی یا کھدر اصلی کر کے بکتی تھی وہ اصلی نہیں بلکہ نقلی بھیجی جاتی تھی اور اس چالی بکری کو ختم نہیں کیا جا سکتا تھا۔ دوسرا نقص یہ تھا کہ ریشمی اور اونی کھڑا اس میں شامل نہیں تھا۔ کھدر کے معنی میں ہینڈ وون (hand woven) اور ہینڈ اسپن (hand spun) چھ وہ ریشم کا ہو یا اون کا کھڑا ہو۔ تب وہ اس ایکٹ کے اندر نہیں آتا تھا آج جو بل لایا گیا ہے اس سے یہ دونوں چھڑیں ہٹ جاتی ہیں۔ اس لئے کوئی شک نہیں ہے کہ پورا ہاوس اس بل کی تائید کرتا ہے۔ یہ بل ریشمی اور اونی دونوں کھڑوں کو اس میں لانا ہے۔ میرا صرف ایک سنجیشن (suggestion) ہے۔ ہمارے منسٹر صاحب بہار کو اچھی طرح سے جانتے ہیں کیونکہ وہ بہار کے قریب کے ہی رہنے والے ہیں۔ ایک زمانہ میں اُمید تھی کہ ہڈاڑس بہار کا ہی ایک پارٹ (part) ہو جائیگا اور اب تک اُمید ہے شائد وہ ہو جائے۔

श्री श्री प्रकाश : बिहार में मेरी शादी हुई है ।

شری - ٹی - حسین - جی ہاں اسی طرح یو - پی - میں مہری شادی ہوئی ہے۔ مہری سسرال لکھنؤ میں ہے۔ آپ کی بہار میں وہ تو تبادلو ہو گیا۔ مہری آپ سے استنادا ہے۔ ہمارے بہار میں ایک انڈسٹری (industry) ہے تیسر کی۔ آپ اس کو ضرور جانتے ہونگے کیونکہ آپ کامرس منسٹر (Commeree Minister) ہیں۔ تیسر سلک کی طرح کی چیز ہے۔ یہ شکوک (دراوت فل) (doubtful) ہے کہ یہ سلک کے اندر آتا ہے یا نہیں۔ اگر آپ مہربانی کر کے ہمیں اور بہار کے سب ممبروں کو اطمینان دلا دیں۔ آپ کے بغل میں بہار کے ایک منسٹر چنگچون رام جی بیٹھے ہوئے ہیں آپ ان سے پوچھ سکتے ہیں۔ یہ تیسر خاص کر بھائل پیر میں ہوتی ہے میں نے کہا کہ کم سے کم سسرال کے ناتے سے تو ضرور منسٹر صاحب بہار کو جانتے ہونگے۔ اسلئے ہم چاہتے ہیں کہ کم سے کم تیسر کے بارے میں ضرور اطمینان دلا دیجئے کہ جو تیسر ہینڈ اسپن اور ہینڈ وون ہوگی اس کو شامل کر لیا جائیگا۔

(English translation of the above speech.)

Shri T. Husain (Bihar) : Sir, my hon. Minister has received congratulations for two things. First he was congratulated by our friend Shri Rohini Kumar for the fact that he never expected that the Government would bring forth such a nice Bill. Secondly he was congratulated by my able friend Babu Ramnarayan Singh for his speaking in Hindi, which too was not expected. I congratulate him for a third thing and that is he is the first

man in the Government who has presented a Bill in Hindi. None has done it before except Maulana Sahib, and that too because he never speaks English.

Some Hon. Members: Pandit Jawaharlal has spoken.

Shri T. Husain: I am making mention of the time when a bill is moved; or in other words at the time when a Bill is introduced. So far no Minister has introduced his bill in Hindi. He is the first to do so and I congratulate him for this. It is very essential that we should speak today on this *Khadi* Bill in a language which too should be in conformity with *Khadi*. Therefore the speech which he has delivered today is unique thing of its kind.

Regarding this Bill I have to say that the *Khaddar* Act of 1934 was an incomplete one. Sir, its objective was—and I know that you understand it better than me,—that the misuse of words '*Khaddar*' and '*Khadi*' which was so prevalent, should be checked. But it had a defect in it and the defect was that it could not check the fraudulent sale of spurious *khaddar* or *khadi* which was being sold as pure *khaddar* or *khadi*. The second defect in that Bill was that it did not include silken or woollen fabrics. The meaning of *Khaddar* is that it should be hand-woven and hand-spun, may it be woollen or silken. These fabrics did not come under the sphere of this Act at that time. The bill which has been introduced to-day removes both these defects, and therefore there is no doubt that the House fully supports it. This Bill brings both woollen and silken fabrics within its fold. I have only one suggestion to give. Our hon. Minister is well familiar with Bihar because he comes from a place which is quite adjacent to Bihar and some time ago it was expected that Banaras would become a part of Bihar. The expectation is still there that perhaps it may materialize.

Shri Sri Prakasa: I have been married in Bihar.

Shri T. Husain: Yes, Sir. In the same manner I also have been married in U.P. My father-in-law belongs to Lucknow, while yours belongs to Bihar, and thus an exchange has been made. I want to submit that in Bihar there is the industry of '*Tussore*' (coarse silk). You must be definitely knowing about it because you are the Commerce Minister. '*Tussore*' is a fabric similar to that of silk. It is doubtful whether it comes under the category of silk or not. It would be kind of you if you please satisfy us, all the Members of Bihar, in this

connection. You have one Minister from Bihar Shri Jagjivan Ram sitting by your side and you can ask from him. This '*Tussore*' is made especially in Bhagalpur. I hope that the hon. Minister might be knowing the fact as his father-in-law belongs to Bihar. I therefore want that an assurance should at least be given that hand woven and hand spun *tussore* would be included in this category.

श्रीमती उमा नेहरू: जनाब सदर, आज हम सभी को बहुत ही खुशी है कि एक असे के बाद आज हाउस में एक इतना सुन्दर खूबसूरत बिल खादी का आया है। हमको यह बात बतलाई जाती थी और हमने इतिहास में भी यह पढ़ा है कि आज़ादी का पहला क़दम अपनी ज़बान होती है। आज में गवर्नमेन्ट को मुबारकबाद देती हूँ कि मिनिस्टर साहब ने हिन्दी में अपनी तक्रर की। मैं यह नहीं कहती कि यह हमारे पहले ही मिनिस्टर हैं जिन्होंने हिन्दी में तक्रर की है क्योंकि हम रोच ही देखते हैं कि हमारे मौलाना आज़ाद साहब जो हैं वह तो हम से और किसी ज़बान में बोलते ही नहीं सिवा हिन्दी के।

Shri T. Husain: On a point of personal explanation, Sir

میں نے یہ نہیں کہا تھا کہ کوئی ہندی نہیں بولتا۔ وہ شخص جو پہلی دفعہ ہندی میں بل بھی کرے وہ مبارکباد کے قابل ہے۔ جیسے جو کہی کھدر نہیں پہنتا اگر وہ کھدر پہنے تو وہ مبارکباد کا مستحق ہے۔

श्रीमती दुर्गाबाई: किसी मिनिस्टर ने अभी तक हिन्दी में बिल पेश नहीं किया था।

Mr. Deputy-Speaker: The subject matter of this Bill is not Hindi.

श्रीमती उमा नेहरू: मुझे तो खुशी है कि यह बिल हिन्दी में पेश हुआ और उम्मीद है कि आयन्दा और बिल भी हिन्दी में पेश होंगे।

[श्रीमती उमा नेहरू]

जो यहां आज खादी का चर्चा है उसके बारे में मुझे यह कहना है कि चारों तरफ से यही आवाज आती है कि देश में खादी कम है और कम होने की वजह से खादी मंहगी है। मैं आज आपको यह बतलाऊं कि खादी मंहगी इस लिये है कि मरद और औरत दोनों चर्खा नहीं चलाते। अगर मरद और औरतें दोनों चरखा नहीं चलायेंगे तो हम सारे देश को खादी से कमी न लपेट सकेंगे। चरखा केवल स्त्रियों को ही तो नहीं चलाना है, यह तो मरदों को भी चलाना है।

अभी जैसा मेरे भाई चौधरी साहब ने कहा है मैं भी कहती हूँ कि आसाम के सिल्क को खद्दर मानना चाहिये। जब मैं खद्दर भंडार में जाती हूँ तो मैं देखती हूँ कि लड़कियां आसाम का मूंगा बहुत खरीदती हैं और वही सच्चा खद्दर है। उसी का नाम खादी है जिसका ताना और बाना दोनों हाथ के सूत के हों।

इतना ही मुझे कहना है कि अगर आप सब चाहते हैं कि सारे गवर्नमेन्ट के मुलाजिम खद्दर पहनें और सारे चपरासी और आपके सेक्रेटेरियेट (Secretariat) के लोग और मंत्री खद्दर पहनें और हम जितने भाई यहां हैं और बाहर हैं सब के सब खद्दर पहनें तो इसका एक ही तरीका है, कि हम सब मिल कर कातें और चरखा चलायें। मैं ने अभी सुना है कि आसाम में औरतें ही चरखा चलाती हैं और करघा चलाती हैं। यह ठीक है क्योंकि औरतों का काम हमेशा कंस्ट्रक्टिव (Constructive) रहा है डेस्ट्रक्टिव (destructive)

नहीं रहा है पर साथ-साथ मरदों को भी यह काम करना चाहिये। खादी का रिवाज तो हमारे यहां बहुत पुराना है। पंजाब में जब शादी होती है तो जरूर दहेज में खादी का थान दिया जाता है। खादी हमारे यहां बड़ी पवित्र और सुन्दर चीज मानी जाती है। आज मैं अपने आनरेबुल मेम्बरों से यह कहती हूँ कि वह जो खादी की चर्चा कर रहे हैं वह भी खादी का पहनना अस्तियार करें।

आखिर में मैं ज्यादा समय न ले कर मुबारकबाद देती हूँ गवर्नमेन्ट को और इस हाउस को कि एक सुन्दर बिल आज हाउस में पास हो रहा है।

(English translation of the above speech.)

Shrimati Uma Nehru (Uttar Pradesh): Sir, we all are really very happy today that such a nice bill has been presented in the House on *Khadi* after a very long time. We were told and we have also read in history that first step to freedom is the use of one's own language. I congratulate the Government for the hon. Minister delivering his speech in Hindi. I do not say that he is the first Minister to speak in Hindi because we daily find Maulana Azad speaking here only in Hindi and in no other language.

Shri T. Husain: On a point of personal explanation, Sir. I did not say that nobody speaks in Hindi. He, who for the first time presents a bill in Hindi, certainly deserves our congratulations just as a person, who has never worn *khaddar* begins to use it, deserves congratulations.

Shrimati Durgabai (Madras): None of the Ministers had ever moved a bill in Hindi.

Mr. Deputy-Speaker: The subject matter of this Bill is not Hindi.

Shrimati Uma Nehru: I am glad that this Bill has been presented in Hindi and I hope that in future more bills will be moved in Hindi.

Regarding *Khadi*, which is being discussed here, I have to submit that everywhere we hear that *khadi* is scarce and therefore dear. I will like to tell the House that *Khadi* is dear

because both men and women do not spin. If both men and women will not take to spinning it will not be possible to provide *khadi* to each and every person. It is not women alone who are to spin, men should also do it.

I also say, as my friend Shri Chaudhuri has said, that Assam silk should be included in the category of '*Khaddar*'. When I go to *Khaddar* Bhandars, I find that ladies are very fond of purchasing 'moonga' of Assam and that is the real '*Khaddar*'. *Khadi* is that which is both hand spun and hand woven.

I have only to say that if the Government wants that all Government employees, Secretariat staff and Ministers and everybody else should wear *Khaddar*, then there is only one way of achieving this object and it is that all of us should take to spinning. I have just heard that in Assam only women spin and work on handlooms. This is right because women have always been doing constructive things and not destructive. But men should also do this work along with them. The use of *Khadi* is prevalent in our country since ancient times. When a marriage is celebrated in Punjab, a piece of *Khadi* is always given in the dowry. *Khadi* is considered to be a very sacred and nice thing in our country. I urge the hon. Members that they should also start putting on *Khadi* and specially when they talk so much about it.

In the end, I again congratulate the Government and this House that such a nice bill is being passed.

श्री जे० आर० कपूर : उपाध्यक्ष महोदय, मैं इस पवित्र विधेयक का हृदय से स्वागत करता हूँ, पवित्र इसलिए कि इस का सम्बन्ध पवित्र और शुद्ध खादी से है और पवित्र इसलिए भी कि इस विधेयक के द्वारा उस की पवित्रता को कायम रखने का प्रयत्न किया जा रहा है। उपाध्यक्ष महोदय, जैसा कि माननीय मंत्री महोदय ने कहा है खादी के पीछे हमारी स्वतंत्रता के संभ्राम का इतिहास है। स्वराज्य के सिपाहियों का सदा यह चिन्ह रहा और इसलिए यह पवित्र चिन्ह है, किन्तु खेद की बात है कि बावजूद इस के कि यह पवित्र चिन्ह हमारा है और खादी बड़ी महानता समझी जाती थी स्वराज्य प्राप्त होने के बाद जब सभी अधिकार हमें

प्राप्त हैं उस समय जितना ध्यान खादी के प्रोत्साहन के लिये देना चाहिये था हम ने नहीं दिया। केन्द्र की सरकार को चाहिये तो यह था कि स्वराज्य प्राप्त होते ही ज्यादा से ज्यादा ध्यान इस ओर देती। माननीय मंत्री महोदय ने इस बात की शिकायत की है कि कुछ प्रान्तों ने इस ओर उतना ध्यान नहीं दिया जितना उन्हें देना चाहिये था। लेकिन केन्द्रीय सरकार को चाहिये था कि वह उन के सामने अच्छा उदाहरण पेश करती। यदि वह ऐसा करते तो उन की यह शिकायत ठीक हो सकती थी। खेद तो यह है कि इस केन्द्रीय सरकार ने भी इस ओर कोई विशेष प्रयत्न नहीं किया और मैं जानना चाहूंगा कि यदि कोई प्रयत्न उन्होंने किये हैं तो वह क्या है।

यहां जो एक काटेज इंडस्ट्रीज बोर्ड (Cottage Industries Board) बनाया गया है उस की बात मुझे मालूम है। सन् १९४८ के अगस्त में यह बोर्ड बनाया गया था और इस बोर्ड के अन्तर्गत एक खादी कमेटी भी बनाई गई थी। उस कमेटी ने अभी तक कोई विशेष कार्य नहीं किया है। मैं ने कई दिनों से यह जानने का बहुत प्रयत्न किया कि उस कमेटी ने अब तक क्या काम किया है और उस का विवरण प्राप्त करना चाहा लेकिन अभी तक जो कुछ भी मुझे मिल पाया वह यह है कि उन्होंने आंकड़े इकट्ठे किये हैं कि देश के किन किन प्रान्तों में कितनी खादी का उत्पादन इस वर्ष में हुआ है। उन्होंने जो आंकड़े मुझे दिये हैं उन से यह ज्ञात होता है कि एक वर्ष भर में देश के भिन्न भिन्न प्रान्तों में केवल कोई ७२ लाख गज कपड़ा बनाया गया। लेकिन उन आंकड़ों में उन रियासतों के बारे में, जो कि केन्द्रीय सरकार के अन्तर्गत हैं जैसे अजमेर, कुर्ग, दिल्ली, भोपाल इत्यादि, कोई चर्चा नहीं है। जिस से मैं यह नतीजा

[श्री जे० आर० कपूर]

निकालता हूँ कि यदि इन रियासतों में कुछ कपड़ा बना है तो वह नहीं के बराबर है और इसीलिये उन के आंकड़े नहीं दिये गये। अगर इस काटेज इंडस्ट्रीज बोर्ड की कार्रवाई देखी जाये तो उस से पता लगेगा कि उस ने भी अभी तक कोई विशेष कार्य नहीं किया है। इन करीब द्वाइ साल की अवधि में उस की केवल दो बैठकें हुई हैं। उन बैठकों में उन्होंने भिन्न भिन्न प्रस्ताव तो पास किये लेकिन विशेष रूप से कोई रचनात्मक कार्य नहीं किया और उस की कोई चर्चा उस विवरण में नहीं है। उपाध्यक्ष महोदय, यही नहीं, शिकायत तो की जाती है कि प्रान्तों ने कुछ नहीं किया लेकिन मैं तो यह कहता हूँ कि एक प्रान्त यानी मद्रास प्रान्त ने इस ओर विशेष रूप से ध्यान दिया और जब भूतपूर्व मंत्री श्री प्रकाशम जी मद्रास के प्रधान मंत्री थे तो उन्होंने विशेष रूप से इस बात का प्रयत्न किया कि हैंडलूम इंडस्ट्री (handloom industry) को और खादी को प्रोत्साहन दिया जाये। उन्होंने यहां तक किया कि जो जो सूत बनाने के स्पिंडल (spindles) और कपड़ा बनाने की मशीनें उन के प्रान्त के लिए एलॉट (allot) की गई थीं उन के बारे में यह निर्णय किया कि वह मद्रास में

उन के इस निर्णय पर उन की हंसी उड़ाई गई, मन्नाक उड़ाया गया, केवल इस लिये कि वह खादी को प्रोत्साहन देना चाहते थे जो कांग्रेस की सदा से बहुत बड़ी नीति थी। उन का यहां तक मन्नाक उड़ाया गया, उन्हें इतना मूर्ख समझा गया कि उन्हें प्रधान मंत्री के पद से इस्तीफा भी देना पड़ा। तो बजाय इस के कि मद्रास प्रान्त के खिलाफ कोई शिकायत की जाये मैं तो यह समझता हूँ कि मद्रास प्रान्त ने, जिस समय वहाँ

श्री प्रकाशम जी प्रधान मंत्री थे, विशेष रूप से इस बात का प्रयत्न किया था कि वहां खादी को प्रोत्साहन मिले। लेकिन उन का दुर्भाग्य था, मद्रास का दुर्भाग्य था और उसी के साथ हमारे देश का दुर्भाग्य रहा कि उन की इतनी सुन्दर नीति होते हुए भी वह वहाँ के प्रधान मंत्री नहीं रहे। तो उपाध्यक्ष महोदय, कहने का तात्पर्य यह है कि जितना प्रयत्न हम लोगों को खादी को बढ़ाने के लिये करना चाहिये उतना हम नहीं कर रहे हैं, न केवल केन्द्रीय सरकार बल्कि प्रान्तीय सरकारें भी। पिछले फायनेंस मिनिस्टर (Minister of Finance) डाक्टर जान मथाई, ने जब अपना बजट पेश किया तो उस बजट में उन्होंने ने हमें यह बताया था कि दो करोड़ रूपया वह रख रहे हैं इस गुरख से कि वह हैंडलूम इंडस्ट्री हाथ से बने कपड़े के उद्योग को प्रोत्साहन देने में खर्च किया जाये। मुझे नहीं मालूम कि उसमें से अभी तक कितना रूपया खर्च किया गया। यदि माननीय मंत्री महोदय यह बात हम लोगों को बतायेंगे तो उन की बड़ी कृपा होगी। इस से हमें पता लग जायेगा कि दो करोड़ केवल नाम मात्र के लिये रखा गया था या यथार्थ में उन दो करोड़ रूपयों को खर्च किया गया, खादी को और हैंडलूम इंडस्ट्री को प्रोत्साहन देने में।

इस के अलावा मैं यह देखता हूँ कि काटेज इंडस्ट्रीज बोर्ड के अन्तर्गत जो खादी कमेटी नियुक्त की गई है उस ने यह सिफारिश की है कि एक करोड़ रूपया केन्द्रीय सरकार खादी के प्रोत्साहन के लिये खर्च करे, वशत कि प्रान्तीय सरकारें भी इतना ही रूपया अपने कोष से दें। मैं यह जानना चाहूंगा कि इन दो करोड़ रूपयों में से कितना रूपया केन्द्रीय सरकार ने इस ओर खर्च किया है और

इस खादी कमेटी की इस सलाह को उन्होंने किस हद तक माना है और किस हद तक उन्होंने कार्रवाई की है।

उपाध्यक्ष महोदय, यदि मैं आप को दो आंकड़े बताऊं तो उस से आप को कुछ असन्तोष और खेद होगा। वह दो आंकड़े यह हैं कि अब भी हम विलायत से काफ़ी रुपये का कपड़ा मंगाते हैं और गत वर्ष करीब ९ करोड़ या १० करोड़ रुपये का सूती कपड़ा इस देश में मंगाया गया। मैं यह देखता हूँ कि पिछले कई वर्षों से यह कपड़ा जो हमारे देश में आ रहा है उस की तादाद कुछ बढ़ती हुई सी दिखाई दे रही है। सन् १९४१-४२ के मुझे आंकड़े मिले हैं, उस में कोई साढ़े चार करोड़ रुपये का सूती कपड़ा आया। फिर बढ़ता गया, सात करोड़ का आया, फिर दो करोड़ का आया, बाद में चार करोड़ का आया, लेकिन सन् १९४८-४९ में यह आंकड़े बताते हैं ९ करोड़ २७ लाख रुपये का सूती कपड़ा यहां आया। बजाय इस के कि स्ववन्नता प्राप्ति के बाद बाहर से जो कपड़ा आता था उस की तादाद कम होती जाती हम देखते हैं और हमें आश्चर्य होता है कि उस की तादाद बढ़ती चली जा रही है। यदि हम खादी को प्रोत्साहन देते तो हमें इतना ज्यादा कपड़ा बाहर से मंगाने की जरूरत नहीं होती।

The Deputy Minister of Commerce (Shri Karmarkar): Sir, on a point of information: did the hon. Member say that the imports of foreign cloth were increasing? If that is so, I may tell him that we are now importing only umbrella cloth and satin—no ordinary wearing cloth is imported.

Shri Tyagi: Since when?

Shri Karmarkar: For 1950.

Shri J. R. Kapoor: Cotton cloth imports during 1948-49 were for Rs. 9 crores 27 lakhs.

Shri Tyagi: May I know why umbrella cloth particularly is imported—is it because the hon. Minister uses umbrellas?

Shri Goenka (Madras): Because umbrella cloth is not manufactured in this country.

श्री जे० आर० कपूर : इन दिनों यह हर्ष की बात अवश्य है कि हमारे यहां जो कपड़ा बनता है और जिस को हम बाहर भेज रहे हैं उस की भी तादाद बढ़ती हुई चली गयी है। इस में कोई सन्देह नहीं कि यह बहुत हर्ष की बात है। लेकिन यदि हमारी खादी का उत्पादन और अधिक होता तो जो कपड़ा हम इस बन्त बाहर भेज रहे हैं और जिस की तादाद कोई ३६ करोड़ रुपये की सन् १९४८-४९ में थी, उस की तादाद इस से भी कहीं ज्यादा होती। इसलिये यदि हमें डालर और स्टर्लिंग की कामना है तो यह आवश्यक है कि हम खादी के उत्पादन की ओर विशेष रूप से ध्यान दें। इस के प्रोत्साहन के लिये यह आवश्यक है कि कोई एक निश्चित नीति होनी चाहिये, एक निश्चित कार्यक्रम होना चाहिये। केवल जबानी भावावेश में आकर थोड़ी सी बातें कह देने से यह कार्य नहीं चलेगा। इस के लिये कोई निश्चित नीति और निश्चित कार्यक्रम होना चाहिये। वह निश्चित कार्यक्रम अभी तक नहीं हुआ है। केवल काटेज इंडस्ट्रीज बोर्ड बना देने से और साल डेढ़ साल में उस की मीटिंग कर लेने से हमें कोई विशेष सफलता नहीं मिलेगी। इसलिये विशेष रूप से हमें कोई निश्चित कार्यक्रम इस के लिये बनाना चाहिये। केवल इस बिल के ही पास करने से कोई विशेष लाभ और सफलता हमें इस ओर नहीं मिलेगी।

इस के अलावा मैं एक दो शब्द और कहना चाहता हूँ और वह यह कि इस बिल में थोड़ा सा संशोधन आवश्यक प्रतीत होता है। इस सम्बन्ध में मैंने दो संशोधन दिये हैं। मुझे आशा और विश्वास है कि

[श्री जे० आर० कपूर]

तन्नीय मंत्री महोदय उन्हें स्वीकार कर रहे होंगे और वह केवल यही बहुत छोटा सा संशोधन है कि खादी की परिभाषा में यह और जोड़ दिया जाये कि केवल सूत, ऊन और रेशम के ही कपड़े हाथ से कते और बुने न आवें बल्कि यदि वह जूट या अकूवे की रूई आदि जो होती है वह भी यदि हाथ से कती और बुनी हो तो वह इस में आ जाये। इन सब प्रकार के सूत की सूची देना आवश्यक नहीं है, केवल यही कह दिया जाये कि कोई भी हाथ से कता सूत और हाथ से बुना कपड़ा जो होगा उस को हम खादी कहेंगे।

(English translation of the above speech)

Shri J. R. Kapoor: Sir, I heartily welcome this sacred Bill. I call it sacred because it relates to *Khadi* which is sacred and pure and also because of the fact that the Bill seeks to maintain its sanctity. Sir, as the hon. Minister has said, behind *Khadi* lies the history of the struggle for the freedom of our motherland. It has always been a symbol of the fighters of freedom and therefore it is a sacred symbol. But I regret to say that in spite of the fact that *Khadi* was our holy symbol and that it was held in high esteem prior to our independence, we did not pay as much attention towards the development and propagation of *Khadi* as it should have been after the country's freedom and when we possess full powers. The Central Government ought to have given more attention towards it as soon as freedom was won. The hon. Minister has complained that some of the provinces did not pay as much attention as they should have paid. But it was for the Central Government to put a better example before them. His complaint would have been justified had the Centre done so. The pity is that even the Central Government has made no efforts in this direction and I would like to know those efforts, if any, that have been made towards it.

I am aware that a Cottage Industries Board has been set up here. This Board was set up in August 1948 and a *Khadi* Committee was also formed under it. So far that Committee has not done anything worth mentioning. I have been trying for the last so many days to find out what has so far been achieved by this Committee and

also to get hold of an account of their activities but what I could gather is that that they have only collected certain statistics regarding the production of *Khadi* in this year in the various provinces of the country. Their statistics reveal that only about 72 lakh yards of *Khadi* was produced in the various provinces in one year. But there is no mention in the statistics about the Centrally Administered Areas such as Ajmer, Coorg, Delhi, Bhopal etc. I infer from this that the production in these areas, if at all, is almost negligible and therefore their figures have not been given. If we look to the activities of this Cottage Industries Board, we find that it has not accomplished anything as yet. In the course of these two and a half years, it has only called two meetings. They have, no doubt, passed a number of resolutions in those meetings but nothing constructive has been done and there is no mention of it in that account. Sir, not only this, complaints are made that the provinces have not done anything but I say that one province, viz., the province of Madras paid a definite attention towards it and the former Premier of Madras, Shri Prakasam had specially made efforts to safeguard and develop the handloom industry and *Khadi*. He went to the extent of deciding that all spindles and machines used for the manufacture of cloth, that had been allotted to his province, should not be brought to Madras. He was laughed at on this decision of his, only because he wanted to propagate the use of *Khadi*, which has always been a declared policy of the Congress. Ultimately he had to resign the premiership when his action was so much condemned. So instead of complaining against Madras, I will say that it was the province of Madras that had during the premiership of Shri Prakasam specially made efforts to propagate the use of *Khadi* there. But it was his misfortune, the misfortune of Madras and along with it the misfortune of our country as a whole that he had to quit office in spite of his nice policy. Sir, what I mean is that none, neither the Central Government nor the State Government, is putting in as much efforts as should have been undertaken to propagate and develop *Khadi*. When the former Finance Minister, Dr. John Matthai had presented his budget, he had told us that he was allotting two crores of rupees in order to give protection and encouragement to the handloom industry. I cannot say how much amount has been spent out of that so far. I will be thankful to the hon. Minister if he gives us an account of that. It will show whether the sum of

two crores was set apart only in name or it was a real effort to spend it in the propagation and development of *Khadi* and the handloom industry.

In addition to that I find that the Committee set up under the Cottage Industries Board has recommended that the Central Government should spend one crore for the development of *Khadi* provided that the Provincial Governments also contribute a similar amount. I would like to know how much amount has been spent by the Central Government out of these two crore rupees in this direction, how far they have accepted the recommendation of the Committee and what steps they have taken in accordance with that?

Sir, you will be sorry and a little unhappy if I give a few figures. These figures show that still we are importing cloth worth large sums of money from foreign countries and that last year cotton cloth worth about nine or ten crore rupees was imported in our country. I find that the quantity of foreign cloth, that is being imported for the last so many years in our country, seems to be increasing. I could get the figures of 1941-42 only which show that cotton cloth worth about four and a half crore rupees was imported in that year. After that it was worth seven crores, then two crores and then about four crores but these figures show that during 1948-49 cotton cloth worth nine crore and twenty-seven lakh rupees was imported. Instead that the imports of foreign cloth should have been decreasing after country's independence, we are surprised to find that they are increasing. If we had encouraged *Khadi* we would not have felt the necessity of importing cloth from abroad.

Shri Karmarkar: Sir, on a point of information: did the hon. Member say that the imports of foreign cloth were increasing? If that is so, I may tell him that we are now importing only umbrella cloth and satin—no ordinary wearing cloth is imported.

Shri Tyagi: Since when?

Shri Karmarkar: For 1950.

Shri J. R. Kapoor: Cotton cloth imports during 1948-49 were for Rs. 9 crores 27 lakhs.

Shri Tyagi: May I know why umbrella cloth particularly is imported—is it because the hon. Minister uses umbrellas?

Shri Goenka: Because umbrella cloth is not manufactured in this country.

Shri J. R. Kapoor: It is gratifying to note that the quantity of cloth that is

manufactured here and which is exported is increasing. It is really a matter of great pleasure. But if our production of *Khadi* had been more than what it is, the quantity of cloth that we are exporting, and which was worth thirty-six crore rupees during 1948-49, would have been much larger. Therefore if we want to have more dollars and sterling, it is necessary for us to give particular attention towards the production of *Khadi*. There must be a defined policy and a clear programme for the development of *Khadi*. It will not serve any purpose to speak something in a mere emotional outburst. That definite programme is yet to come. Mere setting up of a Cottage Industries Board and calling meetings in one or two years will not lead us to much success. Therefore a definite and clear programme is a necessity. We will neither be benefited nor succeed in this direction only by passing this Bill.

I wish to say a few words more. This Bill seems to require a minor amendment. I have tabled two amendments in this connection. I hope and believe that the hon. Minister will accept them. It is a very small amendment that the definition of *Khadi* should not only include hand spun and hand woven cotton, woollen and silk cloth but it should also include jute and "*Akua*" cotton cloth if it is hand spun and hand woven. It is not necessary to give a list of these kinds of fabrics but it will suffice to mention that all cloth that is hand spun and hand woven will be defined as *Khadi*.

श्री बी० के० पी० सिन्हा : माननीय उपाध्यक्ष महोदय, मैं इस बिल का, विधेयक का, स्वागत करता हूँ। माननीय मंत्री महोदय ने इस विधेयक को पेश करके और खास कर राष्ट्रीय भाषा में इस बिल को पेश करके इस संसद पर, कांग्रेस की बड़ी जमाअत पर, और इस देश पर कृपा की है। मैं समझता हूँ कि आज जो बात आपने की है, आप जो हिन्दी में बोले हैं, इस परिपाटी को अन्य माननीय मंत्री भी आगे चलावेंगे, और अन्य मंत्रीगण भी हिन्दी में बोलने की कोशिश करेंगे।

इस बिल की तो एक लम्बी कहानी है, यह बहुत दिनों से चली आ रही है। अब अज यह जिस शकल में पेश हुआ है इसकी

[श्री बी० के० पी० सिन्हा]

हम खुशी है। फिर भी मैं यह देखता हूँ कि इस बिल में खादी किस कहते हैं, यह परिभाषा किस बुनियाद पर बनाई गयी है, सूत किस तरह कातते हैं, वह किस तरह बना जाता है, परिभाषा की यही बुनियाद है। लेकिन इस सिलसिले में मैं माननीय मन्त्री का ध्यान एक दूसरी तरफ भी आकर्षित करना चाहता हूँ। कई लोगों ने यह बतलाया है कि नकली खादी की बहुत सी दुकानें खुल गयीं जिनकी वजह से खादी का व्यापार कूछ नीचा सा पड़ रहा है। कहीं कहीं निन्दित भी हो रहा है। तो आपने जो शब्द इस विधेयक में रखे हैं उनके द्वारा आपने उस का पैदा किया जाना, बनाना तो रखा, लेकिन जैसा महात्मा गान्धी जी कहा करते थे कि खादी किस तरह कातें, किस तरह बुनें, केवल इसी से खादी नहीं होती है, उस के पीछे बहुत महान और उन्नत आर्थिक सिद्धान्त हैं। वह कहते थे कि खादी वही है कि जिसके द्वारा लोगों को एक लिविंग वेज (living wages) मिला करे, इतनी मजदूरी मिला करे कि वह अपना और अपने परिवार का उस मजदूरी से भरण पोषण कर सके। इसीलिये उन्होंने एक बार यह कहा था कि सभी लोग सिर्फ प्रमाणित खादी ही पहना करें। क्योंकि यह देखा गया है खास कर हमारे बिहार के मधुबनी इलाके में जहां खदर बहुत होता है वहां के जो कत्ती या जुलाहे हैं वह कभी कभी दूसरों से रुपया उधार लेते हैं और उनके दबाव में बहुत थोड़ी मजदूरी ले कर उस खादी को उनके हाथ बेच देते हैं और उस खादी को चर्खा संघ से बाहर अप्रमाणित दुकानों में लेकर बेचते हैं जिस से प्रमाणित खदर के लिये खतरा पैदा हो गया है। जो अभी तक इस

बिल के शब्द जाते हैं यह बहुत उचित है, लेकिन मेरा कहना यह है कि यह काफ़ी दूर तक नहीं जाता है, सिर्फ खास तौर से बना, खास तौर से कता यह रखना ठीक नहीं है, यह भी रखना चाहिये कि लिविंग वेजेज मिला करें और खादी के बनाने के बाद जो बाज़ार संस्थायें हैं उन के जरिये खादी बाज़ार में आया करे और उसी वस्त्र को खादी मानना चाहिये। अगर इस बिल के दायरे को नहीं बढ़ाया जा सकता तो और बिल लाइये, और विधेयक लाइये जिस से इस आर्थिक भावना को इसके दायरे में लाया जा सके। यदि हमने इस आर्थिक भावना को प्रोत्साहन नहीं दिया तो लाख खादी कते और बिके खादी का सारा सिद्धान्त तो खप्त हो जाता है। मैं समझता हूँ कि केन्द्र स्टेट गवर्नमेंट्स को इस बात के लिये सुझाव देगा कि यदि गुंजाइश हो तो कोई बिल ला कर खादी के पीछे जो आर्थिक भावना है उसको पोषण करने की कोशिश करें।

फिर और छोटी मोटी बातें हैं, मैं माननीय मन्त्री को बतलाना चाहता हूँ कि गया के मानपुर में पाट का कुछ खादी कपड़ा बनता है वह देखने में इतना सुन्दर होता है, कि हालांकि वह रेशम नहीं होता है, फिर भी लोग उसका प्रयोग रेशम की जगह करते हैं। उनके लिये भी कुछ गुंजाइश इस बिल के अन्दर होनी चाहिये।

जहां तक खादी के प्रचार का सवाल है मैं समझता हूँ उसके सब समर्थक हैं। यह कहना कि प्रचार में सरकार सहयोग नहीं कर सकती है ठीक नहीं है, मैं इसको गलत समझता हूँ। मेरे एक दोस्त ने अभी मदरास

की बात कही कि वहाँ की सरकार ने खादी को प्रोत्साहन दिया। मद्रास ने तो आजादी हासिल करने के बाद इसको खिया, मैं करीब बीस साल हुए मैसूर गया था उस वक्त आजादी की बू तक नहीं थी। वह गुलामी के बड़े जबरदस्त चंगुल में फंसा हुआ था, लेकिन फिर भी मैंने वहाँ देखा कि बड़ी बड़ी इमारतें बनी हुई थीं, पूछने पर मालूम हुआ कि वह खादी के केन्द्र थे। वह ग्रामोद्योग केन्द्र थे। बीस साल पहले भी मैसूर सरकार खादी को प्रोत्साहन दे रही थी। मैंने वहाँ के सरकारी चपरासियों और पिअन्स (Peons) को भी बीस साल पहले खादी पहने हुए देखा था। आज हमारी सरकार अगर मैसूर के दृष्टान्त पर चले तो मैं समझता हूँ कि खादी हमारे मुल्क में एक अटल चीज की तरह पर हो जायेगी। महात्मा गांधी जो बड़ा संदेश दे गये हैं उस को प्रोत्साहित करना और उसको आगे बढ़ाना इस संसद् का मुख्य कर्तव्य है।

(English translation of the above speech)

Shri B. K. P. Sinha (Bihar): Sir, I welcome this Bill. The hon. Minister for presenting this Bill and presenting it in the national language, deserves the thanks of this Parliament, of the Congress Party and of the country as a whole. I hope that other Ministers will follow the lead given by him and they will also try to speak in Hindi.

5 P.M.

There is a long story behind the Bill. Today we are pleased to see the Bill in its present form. But I do not quite understand the basis on which the word 'Khadi' has been defined. The definition is based on how it should be spun and woven. I would like to draw the attention of the hon. Minister to another point also. Many people have said that a number of shops selling spurious Khadi have been opened, which has led to a sort of dull Khadi market, and at some places reputation of the business is

also suffering. The words as they are put in the Bill, no doubt, provide for the production of Khadi, but as Mahatma Gandhi used to say, Khadi does not merely mean as to how it should be spun and woven but there are many important economic principles behind it. According to him, Khadi is that by which people can earn living wages, sufficient wages to maintain their families. It was therefore that he had once asked the people to wear only certified Khadi. It has been seen, particularly in the Madhubani District of Bihar where Khaddar is produced on a large scale, that weavers borrow money from money lenders and so are compelled to sell their Khadi to them at prices lower than the usual ones. Then these traders sell that Khadi through such shops that are unrecognised by the Spinners' Association, thus jeopardizing the sale of certified Khadi. The words in the Bill are, no doubt, suitable but what I feel is that they are not so comprehensive. It should not only include as to how Khadi is spun and woven but also that a living wage must be paid to the labourers and that it should be sold in the market only through recognised institutions. Only such a cloth should be called Khadi. If the scope of the present Bill cannot be extended, the Government should bring another bill that includes this economic consideration. If this consideration is ignored, the very principle behind the use of Khadi, in spite of its huge production and sales, will be nullified. In my opinion, Centre should suggest to the State Governments to bring forward such bills if possible and to try to lay stress upon this important economic consideration behind Khadi.

There are some other minor points to which I may refer. I would like to inform the hon. Minister that in a place called Manpur in Gaya District silk-like jute Khadi is produced which is so beautiful that people use it for silk. That cloth should also be included in the scope of this Bill.

As far as the propagation of Khadi is concerned, I think it enjoys a unanimous support. It is not proper to say that the Government cannot co-operate in its propagation. One of my hon. friends has just said that the Government of Madras had encouraged Khadi. Sir, Madras did this only after the independence, but twenty years ago I had gone to Mysore when it was a slave state and even the word of independence was not known. There I saw huge buildings which were, on enquiry, found to be centres of Khadi. They were centres of cottage industries. Even twenty

[Shri B. K. P. Sinha]

years back the Mysore Government was encouraging Khadi and I had seen Government peons wearing Khadi in those days. If our Government follows the example by Mysore. Khadi can have an important and permanent place in our country. It is the duty of this Parliament to spread and encourage the message of Mahatma Gandhi.

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, the question be now put—

Mr. Deputy-Speaker: The question is:

"That the question be now put."

The motion was adopted.

श्री श्री प्रकाश : श्रीमान् उपाध्यक्ष जी, मैं आप को और अपने सब माननीय भाइयों को हृदय से घन्यवाद देता हूँ कि उन्होंने मेरे सम्बन्ध में इतने साधु शब्द कहे हैं। जब खादी के सम्बन्ध का बिल मैंने प्रस्तुत किया तो एकाएक मेरे हृदय में सब पुरानी भावनाएँ उठ खड़ी हुई इस कारण मैं हिन्दी में ही बोल उठा। मुझे इस के लिये कोई विशेष प्रशंसा करने की आवश्यकता नहीं प्रतीत होती, न मैं उसका पात्र ही अपने को समझ सकता हूँ।

मेरे भाई माननीय श्री रोहिणी कुमार चौधरी को यह शंका है कि शायद मैं आसाम को भूल गया। मैं उन को और अपने सभी आसामी भाइयों को विश्वास दिलाता हूँ कि मैं आसाम को कभी नहीं भूल सकता। जो कृपा और उदारता मुझे आसाम में मिली है उस के किये मैं सदा ही कृतज्ञ रहूँगा और जो कुछ सेवा मेरे द्वारा आसाम की हो सकेगी वह सदा करता रहूँगा। मैं उन्हें तथा अन्य सब माननीय सदस्यों को यह भी विश्वास दिलाना चाहता हूँ कि मेरे बिल के अन्तर्गत टसर, अन्डी जादि सभी प्रकार के रेशम हैं और इस में किसी भी प्रकार का संदेह नहीं होना चाहिये। परन्तु कुछ माननीय सदस्यों ने

यह भी इच्छा प्रकट की है कि इस में पाट भी मिला दिया जाये। मैं इस संशोधन को स्वीकार करने में अपने को असमर्थ पाता हूँ क्योंकि इस प्रकार से तो बहुत सी वस्तुएँ आने लगेंगी और बहुत प्रकार में धागों का नाम भी लिया जाने लगेगा जिस से कि अनेक प्रकार का कपड़ा पैदा किया जाता है या जा सकता है। इस बिल को दायरा में अधिक बढ़ाना नहीं चाहता, इस कारण उस को यहीं तक सीमित रखना चाहता हूँ जिस से कि रेशमी, सूती और ऊनी कपड़ा ही इस में समाविष्ट हो। पाट का कपड़ा जिस के सम्बन्ध में माननीय सदस्य श्री बृज किशोर सिन्हा ने भी चर्चा की है पाट के कपड़े के नाम से बेचा जा सकता है वह चाहते हैं कि उसे भी खादी में समाविष्ट कर लिया जाये, लेकिन मुझे उस की कोई आवश्यकता नहीं प्रतीत होती।

माननीय सदस्य श्री भट्टाचार्य ने कहा है कि रेशम को इस में से निकाल देना चाहिये क्योंकि रेशम कुछ शान और आराम की चीज मालूम पड़ती है जो थोड़े से घनी लोगों से सम्बन्ध रखती है। लेकिन ऐसी बात नहीं है क्योंकि हमारे देश में जो पुरानी परिपाटी के लोग हैं वह भोजन के समय रेशमी बस्त्र पहिनना ही पसन्द करते हैं पूजा के समय भी वह रेशम ही पहिनना पसन्द करते हैं। इस कारण मैं समझता हूँ कि रेशम को खादी में रखना आवश्यक है उन के मन में यह शंका है कि मुंशिदाबाद में जो रेशम पैदा होता है और जो रेशमी बस्त्र वहाँ बनाये जाते हैं वह शायद इस में सम्मिलित नहीं हैं। मैं उन्हें यह विश्वास दिला देना चाहता हूँ कि वैसा रेशम भी इस में है और इस में कोई संदेह नहीं

है कि पश्चिमी बंगाल की गवर्नमेंट जब इसके सम्बन्ध में नियम बनायेगी तो उस में स्पष्ट कर देगी कि ऐसा रेशम भी उस में शामिल है।

मेरे भाई श्री जांगड़े जी ने यह कहा है कि खादी के नाम से बहुत घोखा बाजी हो रही है इस घोखे बाजी को रोकने के लिये ही यह बिल उपस्थित किया गया है क्योंकि यदि कोई नकली खादी अब खादी करके बेचेगा तो उसको सजा मिलेगी। साथ ही साथ मैं इस बात को मानता हूँ कि केवल सजा का प्रबन्ध कर देने से ही कोई काम नहीं बनता। आवश्यक है कि हमारे देश में ऐसा लोकमत हो जिस से कि हम किसी भी रूप में बेईमानी न करें। हमारे देश में आज नाना प्रकार की बेईमानियां हो रही हैं और इसी से हमारे ऊपर सब मुसीबतें आ गईं। खास कर यह बड़े दुःख की बात है कि खादी के नाम से भी हम घोखा देने को तैयार हो गये हैं। उन का यह प्रस्ताव था कि अखिल भारतीय चर्खा संघ को यह अधिकार दे दिया जाये जिस से वह ही प्रमाणित कर सकें कि कौन वस्त्र खादी है और उसको बेचने वाले कौन हो सकते हैं। जैसा कि मैंने अपने प्रारम्भिक भाषण में कहा था कि चर्खा संघ ने स्वयम् ही इस बात की जिम्मेदारी लेने से इनकार किया। उन्होंने कहा कि हम दूकानों को लाइसेन्स देने को तैयार हैं लेकिन इस के लिये तैयार नहीं कि वह इस बात का भी प्रमाण दें कि उन दूकानों पर जो वस्त्र बेचा जाता है वह सब खादी है।

इस कारण हमें अपना दायरा बढ़ाना पड़ा और प्रान्तीय गवर्नमेंटों को यह अधिकार देना पड़ा कि वह लाइसेंस देने वाले अधिकारियों की सूची तैयार करें।

हमारे भाई माननीय सिधवा ने बहुत ठीक कहा है कि खादी देखने में तो अवश्य मंहगी मालूम पड़ती है पर वास्तव में सस्ती होती है क्योंकि खादी के बहुत थोड़े से वस्त्रों से हमारा काम चल जाता है। मैं अपना एक दिलचस्प तर्जुमा संसद् के सामने रखना चाहता हूँ। जब आसाम का गवर्नर बना कर मुझे भेजा गया और जब मैं वहां के विशाल गवर्नमेंट हाउस (Government House) में पहुंचा तो मेरे जितने भी वस्त्र थे वे सब एक ही अलमारी में अंट गये। वहां के जो पुराने नौकर थे उन्होंने कहा कि पहले तो जो लाट साहब होते थे उन के कपड़े इन सब अलमारियों में फैले रहते थे और वहां पर करीब बीस अलमारियां लगी हुई थीं। इसपर मैं ने कहा कि मेरे पास तो इतने कपड़े ही नहीं हैं कि जो बीस अलमारियों में भरे जायें मेरे कपड़े तो एक अलमारी को भी पूरी तरह नहीं भर सकते। तो जो माननीय सिधवा जी ने कहा है वह ठीक कहा है क्योंकि वास्तव में आगे चल कर खादी का प्रयोग हमारे लिए सस्ता है।

माननीय सदस्य श्री सिधवा जी ने यह भी कहा था कि चर्खा संघ की खादी का दाम ज्यादा होता है, चर्खा संघ का दाम इस वास्ते ज्यादा होता है, जैसा कि दूसरे सदस्यों ने बतलाया, कि वहां पर काम करने वालों को पूरा पूरा दाम दिया जाता है। उन्हें हमारे भाई श्री जगजीवन राम की आवश्यकता नहीं होती है कि वह ऐसा कानून बनावें जिस में कि मजदूरों को इतने से कम मजदूरी न दी जाये, क्योंकि वहां हर एक आदमी को उस की आवश्यकता के अनुसार पुरस्कार दिया जाता है। चर्खा संघ अपने सूत कातने वालों को ज्यादा मजदूरी देता है इसी से

[श्री श्री प्रकाश]

उन का दाम ज्यादा होता है और उनका कपड़ा महंगा होता है। परन्तु जब गवर्नमेंट की तरफ से कोई विधान तैयार किया जाता है तो यह उचित नहीं होगा कि हम ऐसे ही वस्त्रों को प्रमाणित करें और ऐसे ही वस्त्रों को खद्दर पुकारें जिनका कि दाम बहुत ज्यादा होता है। इस वास्ते हम ने इसका दायरा बढ़ा कर रखा है। हमारे माननीय सदस्य जनाब तजमुल हुसेन ने यह शंका की थी कि शायद टसर रेशम खद्दर में न आवे। मैं उन्हें इत्मीनान दिलाना चाहता हूँ कि ऐसी बात नहीं है। वह टसर अवश्य खादी है जो कि हाथ से कता और हाथ से बुना हो।

माननीय सदस्या श्रीमती उमा नेहरू ने भी एक समस्या पेश कर दी है, और जब कोई स्त्री भाषण देने को आती है तो बिना समस्या पैदा किये उन का मन शान्त नहीं होता। उन्होंने कहा है कि मर्दों को भी सूत कातना पड़ेगा और बुनना पड़ेगा। यह क्या बात है कि ऐसा समझा जाये जैसा कि आसाम में समझा जाता है कि यह औरतों का काम है। मैं उन से कहना चाहता हूँ कि मर्द और औरत दोनों ने आपस में काम का अच्छा बटवारा कर लिया है लेकिन आसाम में और भारत के और भागों में कुछ अन्तर है। आसाम में स्त्रियों का बड़ा बोलबाला है। यहां तक हालत है कि खासी जाति में तो दामाद अपनी सुसराल में जाता है, बहू अपनी सुसराल नहीं जाती। वहां पर ऐसा प्रबन्ध है कि मर्द कातते हैं और औरतें बुनती हैं। हमारे प्रदेश में ऐसा होता है कि मर्द बुनते हैं और औरतें कातती हैं। हमारे यहां स्त्रियां नहीं बुनतीं मर्द बुनते हैं और औरतें सूत कातती हैं। अगर इस तरह का बटवारा है। चाये तो औरत और मर्द के झगड़े की

बात खत्म हो जाये।

हमारे माननीय सदस्य श्री जसपत राय ने जिन को हर बात में शंका ही शंका रहती है, एक शंका उपस्थित कर दी है और उन्होंने पुराने पुराने आंकड़े ला कर दिखलाना चाहा कि हमारे यहां बहुत सा कपड़ा अभी बाहर से आ रहा है। यह इस वास्ते होता है कि जब हम और मुल्कों से समझौता करने जाते हैं कि अपनी कुछ चीजें हमें दें तो वे हम से खामखाह यह शर्त लगाते हैं कि तुम को इतना कपड़ा भी लेना होगा। अब हम देखते हैं कि अगर हम कपड़ा नहीं लेते तो और चीज भी हम को नहीं मिलेगी तो हम को कपड़ा भी लेना ही पड़ता है।

श्री जे० आर० कपूर : यह कपड़ा किस देश से आ रहा है ?

श्री श्री प्रकाश: हम को बाहर से गूँ और चावल और चीनी मंगानी पड़ती है। जिन मुल्कों के सामने हम जाते हैं और कहते हैं कि ये खाने की चीजें तुम हम को दो तो वह कहते हैं कि साथ साथ यह कपड़ा भी तुम को लेना होगा। इन मजबूरियों के कारण हमें यह करना पड़ता है और हमारी समस्या हल नहीं हो रही है। उन्होंने यह भी कहा कि काटेज इंडस्ट्रीज बोर्ड (Cottage Industries Board) को कायम करने से ही समस्या हल नहीं होगी। मैं भी यह मानता हूँ। यह समस्याएँ उस वक्त हल होंगी जब हम सब लोग अपने दिल में यह संकल्प कर लें कि हम अमुक प्रकार के बस्त्र इस्तेमाल करेंगे, कम खर्च करेंगे अपने देश से मुहब्बत करेंगे, अपने देश की सेवा करेंगे, नहीं तो चाहे जितने कानून बनाते रहिये अगर जन साधारण सहयोग नहीं करेंगे तो कुछ लाभ नहीं

होगा। कानून तो एक संकेत मात्र है जिस से यह मालूम होता है कि हमारे देश के समझदार लोग क्या चाहते हैं, परन्तु जब तक और सब लोग सहायता नहीं देंगे तब तक बड़ी दिक्कत होगी।

श्री सिषवा : गवर्नमेंट के मुलाजिमों के लिए क्या किया जा रहा है ?

श्री श्री प्रकाश : गवर्नमेंट के मुलाजिम भी अपने देश के नागरिक हैं, उनका भी कर्तव्य है कि वह सूत कातें और खदर बुनें।

माननीय सदस्य श्री ब्रिज किशोर सिंह ने भी इस बात पर जोर दिया कि हमारे देश में खादी के नाम से बहुत से ऐसे वस्त्र बिक रहे हैं जो नकली हैं। जो बिल में आप के सामने पेश कर रहा हूँ इस का मतलब यही है कि ऐसी बेईमानी अब न होने पावे और वह ही वस्त्र खादी के नाम से पुकारे जायें जो हाथ से कते और हाथ से बुने हों।

अन्त में मैं माननीय सदस्यों को धन्यवाद देता हूँ कि उन्होंने इस प्रस्ताव का स्वागत किया और मुझे पूरी आशा है कि जिस रूप में मैंने इस बिल को उपस्थित किया है उस को उसी रूप में स्वीकार करेंगे।

(English translation of the above speech)

Shri Sri Prakasa: Sir, I convey my heartfelt thanks to you and all the hon. Members for speaking so nicely of me. When I moved the Bill regarding *Khadi*, my heart was suddenly overwhelmed with old memories. For this reason I have spoken in Hindi. Neither I feel any necessity of being praised for it, nor do I consider myself worthy of the same.

My friend, Shri Rohini Kumar Chaudhuri, doubts that perhaps I have forgotten Assam. I assure him and other friends from Assam that I can never forget it. I shall be ever grateful to them for their kind and polite feelings for me, and whatever service I will be able to render to that province I will render. I also

wish to assure them and all other hon. Members that this Bill covers all kinds of silk including *Tasar*, *andi*, etc. and there should not be any doubt regarding that. Some hon. Members wanted that jute should also be included. I find myself unable to accept this amendment because the names of many other fabrics will also be mentioned in this connection. As I do not wish to extend the scope of this Bill and so I like it to be restricted to its present form only so that it may include only silken, cotton and woollen cloth. Jute cloth, which has been referred to by Shri Brij Kishore, may be sold under that very name. He wants it to be included in *Khadi* but I do not find any necessity of doing so. Shri Bhattacharya mentioned that silk should not be considered as *Khadi* as it is a symbol of prosperity and is used by only a handful of wealthy persons. But things are not like this, for in our country orthodox persons wear silk clothes while taking meals or while worshipping. It is, therefore, necessary to consider silk as *Khadi*. He has expressed a doubt that probably the silk produced in Murshidabad and the cloth manufactured there are not included in *Khadi*. I wish to assure him that it includes all such kinds of silk. When the West Bengal Government will make regulations regarding this, they will make it clear that *Khadi* does include such silk. My friend Shri Jangde said that a good deal of fraud was being perpetrated in the name of *Khadi*. It is with the idea of stopping this fraud that the present Bill has been moved. The sellers of spurious *Khadi* mentioning it to be genuine one will be punished. All the same, I admit that mere provisions for punishment would not serve the purpose. It is necessary that such a public opinion should be created in our country that it may not allow dishonesty to exist in any form. Today we find dishonesty prevailing in this country in various forms and that is why we are faced with all calamities. It is particularly regretted that now we have also begun to deceive others in the name of *Khadi*. He also proposed to empower All India Spinners' Association to decide as to which of the cloth was *Khadi* and who could sell it. As I had said in my initial speech the Spinners' Association themselves refused to take this responsibility. They said that they were prepared to grant license to the shop-keepers but they were not prepared to certify that the cloth that was sold there was genuine *Khadi*.

Therefore we had to extend the scope of the Bill and had to empower the States Governments themselves to prepare a list of licensing authorities.

[Shri Sri Prakasa]

My friend Shri Sidhva has very rightly said that although *Khadi* appears to be costly but in reality it is cheaper, for even a small quantity of *Khadi* clothes can serve our purpose. I wish to place before the House one interesting experience of my own. When I was sent to Assam as Governor of that State and when I reached the palatial building of the Government House, all of my clothes filled only one single almirah. The old employees of the Government House said that the clothes of the previous Governors used to fill all the almirahs, which were about twenty in number. To this I remarked that I had not so many clothes as might fully occupy even one almirah. Hence whatever Shri Sidhva said was quite true that in the long run *Khadi* proves to be cheaper.

Shri Sidhva had also said that the price of *Khadi* sold by the Spinners' Association was much higher. The higher rate is due to the fact as has also been stated by other Members, that the employees there are given living wages. They do not want hon. Shri Jagjivan Ram to enact law for fixing minimum wages for the labourers as every employee there is properly rewarded. The Spinners' Association gives higher wages to its spinners and as such charge higher rates for the cloth. But if the Government make any legislation, it will not be proper to certify and call only such cloth as *Khaddar* that sells at higher rates. That is why we have extended its scope. The hon. Shri Tajamul Hussain had expressed a doubt that probably *Tasar* silk might not be included in *Khaddar*. I wish to assure him that it is not correct. Hand-spun and hand-woven *Tasar* is certainly *Khadi*.

The hon. Shrimati Uma Nehru too has put up a problem. A woman when she comes to deliver some speech cannot help creating new problems. She said that men too would have to spin and weave. There is no reason why this work should be considered as of women only as it is considered in Assam. I wish to submit that men and women both have arranged a fair distribution of work amongst themselves. But there is a slight difference between the conditions prevailing in Assam and in other parts of India. Women have got a dominating roll in Assam. This has reached to such an extent that among *Khasi* tribe it is not the daughter-in-law who goes to her father-in-law's house, but the son-in-law goes to his father-in-law's house. Things are so arranged there that men spin and women weave, but

in my province they do otherwise, that is to say, women spin and men weave. In case such a distribution of work be arranged, such problems will be solved for good. Shri Jaspat Rai, who remains doubtful of every issue, has expressed a doubt here also, and he quoted some old figures showing the fact that we were still importing foreign cloth in a fairly good quantity. This import is simply due to the fact that when any agreement is reached between us and any foreign country for buying certain commodities they lay down a condition to the effect that besides other commodities we will have to take a certain amount of cloth also. Then we are faced with the question that if we do not accept to import cloth, other commodities will also not be sent to us, then we are forced to accept the condition.

Shri J. B. Kapoor: From which country this cloth is being imported?

Shri Sri Prakasa: We have got to import wheat, rice and sugar. The countries that we approach for these foodstuffs, ask us to take cloth also along with these commodities. On account of these exigencies we have no way out from importing cloth. He also mentioned that the mere establishment of the Cottage Industries Board would not ease the situation. I agree to it. These problems will be solved only if we firmly resolve in our heart of hearts that we will use only this particular cloth, will spend less and will love and serve our country. Mere legislation without public co-operation behind it would do nothing to improve the prevailing conditions. Law is nothing but a sort of hint that goes to show what the sensible people of our country desire. Unless co-operation is forthcoming from all sides, difficulties will not be removed.

Shri Sidhva: What is being done with regard to the Government employees?

Shri Sri Prakasa: The Government employees are also citizens of this country and it is also their duty to spin and weave *Khaddar*.

Shri Brij Kishore had also mentioned that in our country a good amount of spurious *Khadi* is being sold as genuine one. The aim of the present Bill is to stop such dishonesty and to see that only such cloth be called *Khadi* that is hand-spun and hand-woven.

In the end I thank the hon. Members for supporting this Bill and I have every hope that they will accept it in the form in which I have moved it.

Shri R. K. Chaudhuri: Before the hon. Minister closes, may I correct one statement which he has made. He seems to be under the impression that in Assam, if I understood his Hindi correctly, the sons-in-law go to the father-in-law's place. It is not the case in the whole of Assam. I, for my part never went to my father-in-law's place at all.

Shri Sri Prakasa: I mentioned about the *Khasis*.

Mr. Deputy-Speaker: The question is:

"That the Bill to regulate the use of the words "Khaddar" and "Khadi" when applied as a trade description of woven materials, be taken into consideration."

The motion was adopted.

Clause 2.— *The words 'Khaddar' and Khadi etc.*

श्री बी० के० पी० सिन्हा : मैं ने एक बात और कही थी कि खादी की परिभाषा ऐसी विस्तृत की जाये कि जिसमें लिविंग वेज (living wage) मिले उसी को खादी समझा जाये ।

Shri B. K. P. Sinha (Bihar): I had also stated that the definition of *Khadi* should be made so comprehensive that only that thing should be called *Khadi* as may give a living wage.]

Mr. Deputy-Speaker: What is the living wage has to be determined.

श्री जे० आर० कपूर : जो मेरा संशोधन है वह यह है कि

[**Shri J. R. Kapoor:** My amendment is that.....]

Mr. Deputy-Speaker: What does it matter whether it is in English or in Hindi?

Shri J. R. Kapoor: All that it matters is that Hindi be given the most prominent position.

Mr. Deputy-Speaker: Very good, he can move his amendment.

Shri J. R. Kapoor: हमें हिन्दी को ही प्रधानता देनी चाहिये । (We should give prominence to Hindi alone.)

I beg to move:

In clause 2, for the words "whether in English or in any Indian language", substitute the words "whether in Hindi or any other language".

The clause as amended, would read as follows:

'The words "Khaddar" and "Khadi" whether in Hindi or any other language, when applied to any woven material, shall be deemed to be a trade description...

Shri Sri Prakasa: I shall speak in English because I want your assistance in this matter. If we accept my hon. friend's suggestion, it would mean that we shall have to recognize all the languages of the world. German, French and all the languages will come in which will cause a lot of confusion. So we cannot have "Hindi or any other language", which means all the languages of the world. Surely, that will not be acceptable.

Shri J. R. Kapoor: If that is the only difficulty in accepting my amendment, let it be further amended. It may be "in Hindi or in English or any Indian language."

Mr. Deputy-Speaker: Why do you put our Hindi as against any other language. Hindi is the official language of India. What the hon. Minister says is that English is the only foreign language that is recognized. All the others are Indian languages.

सेठ गोविन्द दास : समापतिजी, सवाल यह कि अंग्रेजी वहां रहने से यह मालूम होता है कि हम अंग्रेजी को प्रधानता देते हैं और बाकी भाषाओं को गौण स्थान देते हैं। हमारे जसपत राय जी कपूर की अमेंडमेंट (amendment) का प्रश्न यह है कि हम जब हिन्दी को अपनी राष्ट्रभाषा मान चुके हैं तो हम को पहले हिन्दी रखनी चाहिये और हिन्दी के साथ दूसरी भारतीय भाषायें हों और उस के बाद अंग्रेजी हो। तो इसमें और उस में बहुत बड़ा अन्तर होता है अंग्रेजी को वहाँ पहले रखने में और उसके स्थान पर हिन्दी को पहले रखने में। मैं आशा करता हूँ कि माननीय मंत्री जी को यह बात स्वीकार होगी उन का सारा भाषण ही हिन्दी में हुआ है।

[**Seth Govind Das (Madhya Pradesh):** Sir, the point is this that if we let English remain in its present position, it appears as though we give prominence to English and relegate other languages to back places. The purpose of the amendment of Shri Jaspal Rai Kapoor is that when we have recognised Hindi as our national language, we should give first place to Hindi then there should be other Indian languages along with Hindi, and English should come in the end.

[Seth Govind Das]

It does make a lot of difference in giving Hindi prominence in place of English. I hope this will be acceptable to the hon. Minister as he has delivered his entire speech in Hindi.]

Shri Sri Prakasa: I can accept the amendment if any hon. Member would move it, that for the words "whether in English or in any Indian language", the words "whether in Hindi or in any other Indian language or in English", be substituted.

Shri Tyagi: Let it be accepted.

Shri S. C. Samanta (West Bengal): I have an amendment, Sir. I beg to move:

In clause 2, for the words "whether in English or in any Indian language" substitute the words "whether in English or in Hindi in Devnagri Script or in any Indian language".

Mr. Deputy-Speaker: He does not want the word 'English' first. Why not Mr. Kapoor move the amendment in the form in which it was suggested by the hon. Minister?

सेठ गोविन्द दास : यह बिलकुल ठीक है। हिन्दी पहले रहनी चाहिये।

[**Seth Govind Das:** It is quite right. Hindi should have first place.]

Shri J. R. Kapoor: I beg to move the amendment in the form it has been suggested by the hon. Minister.

Mr. Deputy-Speaker: I will put the amendment. Amendment moved:

In clause 2, for the words "whether in English or in any Indian language" substitute the words "whether in Hindi or in English or in any other Indian language".

Shri Sri Prakasa: I would not accept that. If you say, "Hindi, or English or in any other Indian language", English will become an Indian language, which is not a fact. The amendment should be, "Hindi or in any other Indian language or in English".

Shri J. R. Kapoor: It is better still that English is relegated to the last position.

Mr. Deputy-Speaker: The question is:

In clause 2, for the words "whether in English or in any Indian language" substitute the words "whether in Hindi or in any other Indian language or in English".

The motion was adopted.

Mr. Deputy-Speaker: The other amendment is blocked.

Shri S. C. Samanta: I have another amendment, Sir. I move:

In clause 2, for the words "silk or woollen yarn" substitute the words "silk or woollen or any other yarn".

Mr. Deputy-Speaker: Including jute?

Shri S. C. Samanta: I have not included jute as the hon. Minister is not willing to accept it.

Mr. Deputy-Speaker: What is other yarn?

Shri S. C. Samanta: It may include jute, etc.

Mr. Deputy-Speaker: Jute is good for gunny bags, not for wearing.

श्री भट्ट : कैदखानों में दिया जाता है।

[**Shri Bhatt (Bombay):** Jute is given for wearing in the prisons.]

Shri S. C. Samanta: I have another amendment: In clause 2, for the words "silk or woollen yarn" substitute the words "silk or woollen or endi or tasar or any other yarn". I am not pressing the former amendment. But, I want to press this amendment that for the words "silk or woollen yarn" the words "silk, or woollen or any other yarn" be substituted. I hope it will be convenient for the hon. Minister to accept this.

Shri Sri Prakasa: I should like to pin down the law to definite subjects. Otherwise all sorts of things may come in which the people may like to pass off as yarn. It must be definite.

Mr. Deputy-Speaker: Is it necessary to put this amendment to this House?

The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Shri Sri Prakasa: I beg to move.

"That the Bill, as amended, be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

COAL MINES PROVIDENT FUND
AND BONUS SCHEMES
(AMENDMENT) BILL

The Minister of Labour (Shri Jagjivan Ram): Sir, I move:

"That the Bill further to amend the Coal Mines Provident Fund and Bonus Schemes Act, 1948, be taken into consideration."

The Bill is very simple as is clear from the Statement of Objects and Reasons.

Shri Sondhi (Punjab): On a point of information, Sir, has he got any Bill which is difficult and not simple?

Shri Jagjivan Ram: That I will leave to the hon. Member to decide.

Some difficulty has arisen about the definition of the term 'employee' as it is in the existing Act, and opportunity is taken to rectify that deficiency, by this Bill. This is just a formal thing. Therefore, no speech is necessary. I have given notice of an amendment which is only an indemnity clause. With these words, Sir, I move.

[PANDIT THAKUR DAS BHARGAVA in the Chair.]

Mr. Chairman: Motion moved:

"That the Bill further to amend the Coal Mines Provident Fund and Bonus Schemes Act, 1948, be taken into consideration."

The question is:

"That the Bill further to amend the Coal Mines Provident Fund and Bonus Schemes Act, 1948, be taken into consideration."

The motion was adopted.

Mr. Chairman: We will now take the Bill clause by clause.

Clauses 2, 3 and 4 were added to the Bill.

New Clause 4A

Shri Jagjivan Ram: I have an amendment to add clause 4A. I beg to move:

After Clause 4, add the following new clause:

"4A. *Insertion of new section 11A in Act XLVI of 1948.*—After section 11 of the said Act, the following section shall be inserted, namely:

'11A. *Protection for acts done in good faith.*—No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act

or under any scheme framed thereunder'."

This is just an indemnity clause to safeguard our officers who are carrying out the Act or implementing the schemes under the Act.

Mr. Chairman: Amendment moved:

After clause 4, add the following new clause:

"4A. *Insertion of new section 11A in Act XLVI of 1948.*—After section 11 of the said Act, the following section shall be inserted, namely:

'11A. *Protection for acts done in good faith.*—No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act or under any scheme framed thereunder'."

Shri T. Husain (Bihar): I rise to oppose this amendment. The Bill as it stands is excellent and I have nothing to say against it. But with regard to this amendment, my objection is this. There is an Act called the Coal Mines Provident Fund and Bonus Schemes Act, 1948, and this Bill is only an amending Bill to that Act. That Act of 1948 did not contain this provision, this amendment which has been moved just now. Why? This amendment is meant to protect someone doing something in good faith. Why did not the Ministry or the Department think of this in 1948? Was it because it was not found necessary then? And also, when the Bill was introduced in the House, no mention of this was made and no amendment at all appeared. Why? Do I take it that this Department is inefficient? Or is it that it was not thought necessary at all? I think it is better that I should think that it was not thought necessary. And if that is so, what is the reason for moving this amendment now? This does not appear in the original Act and also in the present Bill when it was introduced, this amendment was not moved. But it is now moved. Why is it thought necessary now?

Shri Jagjivan Ram: I need only say, Sir, that this is a necessary provision and it appears in so many Acts, and I do not think that it is any innovation brought into this Bill. It might have been an omission, and I have no hesitation in admitting it. If that is a mistake, we have come now to correct it.

Shri R. K. Chaudhuri (Assam): This Bill is only an amending Bill and it cannot introduce anything that does not appear in the original Act.

Shri Hussain Imam (Bihar): Sir, it is a point of order that Mr. Chaudhuri has raised. In an amending Bill you cannot introduce a measure which does not strictly concern the provisions of the original amending Bill. This amendment now introduces something new which does not appear in the original Bill. Therefore, this amendment is inadmissible, unless it had formed part of the Bill as it was introduced.

Dr. R. U. Singh (Uttar Pradesh): Sir, it can be out of order only in case it enlarges the scope of the original Bill. But this amendment does not appear to enlarge the scope of the Bill and therefore it is not clear how it can be out of order. In my view it does not enlarge the scope of the Bill. If it does, then, of course, it is out of order.

Shri Sondhi: Let us know how it becomes out of order.

Mr. Chairman: The amendment was placed before the House and Mr. Chaudhuri did not then raise any point of order. His interpreter says that it is a point of order.

Shri T. Husain: Sir, if it is a mistake and if the Minister says so, then I accept it.

Mr. Chairman: The point is whether the amendment comes within the scope of the Bill or whether it enlarges the scope of the Bill, and it has taken the House by surprise with something that is extraneous to the Bill. This amendment is not of that nature and this sort of provision appears almost in every Bill. I hold that it is not out of order.

The question is:

After clause 4, add the following new clause:

"4A. *Insertion of new section 11A in Act XLVI of 1948.*—After section 11 of the said Act, the following section shall be inserted, namely:

"11A. *Protection for acts done in good faith.*—No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act or under any scheme framed thereunder."

The motion was adopted.

New Clause 4A was added to the Bill

Clause 5 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Shri Jagjivan Ram: 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.

EMPLOYERS' LIABILITY (AMENDMENT) BILL

The Minister of Labour (Shri Jagjivan Ram): I beg to move:

"That the Bill further to amend the Employers' Liability Act, 1938, be taken into consideration."

This Bill also is a very simple one and the necessity for this amending Bill has arisen because of a judgement of the Privy Council on the judgment of the Lahore High Court. The question was about common employment about which some word occurs in sub-clause (d) of clause 3 and that created some ambiguity. In case this matter of common employment is pressed, the workers may be deprived of the benefit that was the intention of the then legislature to confer upon the workers. So this amending Bill has been brought in to do away with that deficiency so that no confusion might arise and ambiguity, if any, may be removed. With these few words, Sir, I move.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Employers' Liability Act, 1938, be taken into consideration."

Shri T. Husain (Bihar): The language in section 3, sub-clause (d) is somewhat ambiguous and so the Privy Council held that the employer could plead the doctrine of "common employment" and that is the reason for this Bill being brought now. It has been brought in to remove that ambiguity. But my only point is this. Suppose there is a sort of agreement between the employer and the employees that the employer will not be responsible for any damage done or some such thing. If there is such an agreement, this Bill does not seem to protect the employee against it. What generally happens in our country is the employees are generally, especially the labourers, ignorant and illiterate and they enter into any sort of agreement without knowing its contents.

Shri Syamnandan Sahaya (Bihar): And there are aristocratic zamindars like Mr. Tajamul Husain.

Shri T. Husain: And there may be even bigger zamindars like my hon. friend Mr. Sahaya who may take thumb impressions on blank papers from the labourers. I have never done that. I am indeed a good zamindar, though in spite of that, my zamindari is being taken away. But all that is beside the point and I do not wish to discuss any irrelevant matter here. I have not been able to put in any amendment to this Bill, because I did not know that this Bill would be taken up to-day.

Shri Jagjivan Ram: There are some amendments and I am going to accept them.

Shri T. Husain: You must protect the employees. That is my only suggestion. The employers should not take advantage of agreement if there is any between them and the employees and as you are going to accept the amendments, I have nothing more to add.

Shri Syamnandan Sahaya: I am in complete sympathy with the object of the measure which the hon. Labour Minister has placed before the House late this evening. While, therefore, agreeing with what he desires to achieve, I would like to draw the attention of the hon. Minister to this that I do not see where is the difference between the amending Bill and the original Act. I have tried carefully to read the wording of clause (d) as it obtains in the *Employers' Liability Act* and as it is now proposed to be amended. I will draw your attention to the brochure which has been circulated to us and you will find that (d) as in the Act enumerates the same points, although in one sentence and in this Bill an attempt has been made to put these different items under separate sub-clauses.

Shri Jagjivan Ram: It is drafting only.

Shri Syamnandan Sahaya: I know the expert, whoever he may be, has the advantage of saying "Well, this is my line" but I have always felt that the layman is able to find things which even an expert fails to do. I agree with the hon. Minister but I shall be happy if the hon. Minister explains to us what was the real difficulty found in the language as it obtained in the Act and what is the improvement which he thinks, would be effected if his amending Bill is passed. Sir, if you refer to clause (d) as it obtains in the Act you will find the words are:

"by reason of any act or omission of any person in the service of the employer done or made".

If you go to the amending Bill, you will find the same words:

"by reason of the act or omission of any person in the service of the employer done or made".

Then I will take you to the last sentence in the Act which is:

"or in the normal performance of his duties,"

The two words are in the last but one sentence and others are in the last sentence. This is the first sub-clause in the Amending Bill and reads thus:

"in the normal performance of the duties of that person".

Shri J. R. Kapoor (Uttar Pradesh): Only if a comma were there in the original draft, it would have been alright.

Shri Syamnandan Sahaya: In the Act you will find another item as follows:

"in obedience to any rule or bye-law of the employer (not being a rule or bye-law which is required by or under any law for the time being in force to be approved has been approved)".

If you come to the Amending Bill, you will find the very same wording.

Then there is another clause:

"or in obedience to particular instructions given by any person to whom the employer has delegated authority in that behalf",

and you will find the same wording here in the amending Bill. I therefore fail to see any difference so far as drafting is concerned except that the amending Bill gives them in separate sub-clauses whereas the original Act had them all in one clause. Therefore I fail to understand how the drafting expert of the Labour Minister will help matters when it goes to Court. It is not understandable unless it is pointed out, that by the use of a certain word in the old Act this anomaly was created and it is to remove that anomaly, to clear that ambiguity that the words are being omitted, or new words added. As it is I do not think the present Bill as drafted will save the position or will in any way help to achieve the objective which the hon. Minister has, although I agree with his objective. I think the matter needs careful consideration.

Shri Hussain Imam (Bihar): I do not wish to intervene on the facts. I only wish to submit that according to a ruling of the Chair it had been provided that the relevant portions of the Acts which are sought to be

[Shri Hussain Imam]

amended should be included in the papers circulated. That has been of great help to us. I would like to draw your attention that a further ruling is required that whenever a judicial decision is sought to be amplified, clarified or amended we should like relevant extracts from those judicial pronouncements to be incorporated in the papers that are circulated to us. As my hon. friend Mr. Sahaya has pointed out we do not find much of a difference and the hon. Minister was very economical in the use of the powers of argument and avoided giving details as to when this judgement of the Privy Council was passed. Now, if it was passed after Partition, my argument is that it is inoperative as far as India of to-day is concerned because any judgment which concerns a judgment of post-1947 Lahore High Court, is not binding on our High Courts now and there is no need of having this amendment, but if this judgment was passed before August 1947, I would like to know why this Department was sleeping all these years. So, both ways the Government has got to give some more explanation than the short speech and the simple Bill that he has brought before us. I would like this matter to be considered that in future the reference to judicial pronouncements should be more elaborate than hitherto, so that we may be guided and we may be able to give some help. Here I find there is one change only. In the first line of clause (d) the fourth word 'any' has been changed into 'the'. This is the only change except the rearrangement. Otherwise there is no change. We fail to understand how this is going to affect and we should like to know about the judgment as to when it was pronounced.

Shri J. R. Kapoor: To me it appears that the necessity for bringing this amending Bill is clear and obvious. No doubt that the same letters and words have been used in the proposed amendment as were used in sub-clause (d) of clause 3 of the existing Act. But then the different setting of those words and letters make all the difference. The setting now is entirely different and in the different setting those words convey different meaning, as will be clear from the existing clause (d) of section 3 the last lines of which are as follows:

"in obedience to particular instructions given by any person to whom the employer has delegated authority in that behalf or in the normal performance of his duties".

Now there is no comma between the words 'behalf' and 'or'. Because of the absence of a comma it is likely to be taken that the authority has been either specifically delegated or the delegated authority is there in the normal performance of his duties. The words "in the normal performance of the duties" do not qualify the action of the co-worker but they qualify the delegated authority whether it was expressly given or it was delegated authority vested in him in the normal course of business.

That is what it would normally mean. But if these words are removed from this place and put as a separate part of the sub-clause, they give an entirely different meaning. Of course, the purpose could very well have been achieved by inserting a comma after "behalf", which would have made it clear that the words, "or in the normal performance of his duties", meant "in the normal performance of the duties of the co-worker". But to make this point clear it is very necessary that this amendment should be brought forward. Otherwise there would be ambiguity and the present interpretation would remain which was not the intention of the Legislature.

Shri R. K. Chaudhuri (Assam): I only wanted to say that the Bill before us which seeks to amend the original Act is not so simple as the hon. Minister wants to make out. I think it has been made fairly complex by the speeches which have been delivered by the hon. Members preceding me. Sir, I believe the Act which we are seeking to amend now was also passed in the haste and under the circumstances in which this Bill is going to be passed. Today, for instance, the Bill have been taken out of their serial order. The hon. Speaker had mentioned that only certain Bills should be taken into consideration. The House was prepared to take up those Bill, but now suddenly the hon. Minister has moved this Bill. The result is that some Members who would have liked to take part in the discussion are not here because they did not know that this Bill would come up at this stage. And some others who would have liked to take part in the discussion are unable to do so because they are not sufficiently prepared for it. I am one of them. So, I would respectfully submit that in view of the fact that this amending Bill is the outcome of certain dictum of the Privy Council, we should have more time to consider it and more time to discuss it. I would therefore suggest that the further progress of this Bill may be stopped at this stage.

Dr. R. U. Singh (Uttar Pradesh): There is a little confusion in the minds of some of the Members of the House who have chosen to speak on this measure. As stated in the Statement of Objects and Reasons, it was hitherto assumed that the defence of "common employment" was barred under section 3(d) of the Act of 1938. In a case, however the Privy Council held that as the main purpose of the Act of 1938 was not to abolish the doctrine of "common employment", the words as used in section 3, namely "in the normal performance of his duties" were held as qualifying the earlier part of Section 3, sub-section (d).

Now, Sir, a word about this doctrine of "common employment". As stated in the Statement of Objects and Reasons, an employer could plead that he was not liable to pay damages to a fellow servant if there was negligence of a fellow servant. This defence of "common employment" was almost abolished in England as early as 1880. In this country we tried to get rid of that in 1938 by passing the Employers' Liability Act of 1938, but there were the words in section 3. The phraseology to which the hon. Member from Bihar has objected, namely, "in the normal performance of his duties", was so used that it was possible for the Privy Council to say that the defence of "common employment" was not abolished. In England it was abolished as early as 1948 by statute. In the Bill it is laid down that the defence of "common employment" should no more be a defence to the employer. In fact, the Act of 1938 itself was intended to lay down that the defence of "common employment" or "assumed risk" will not be a defence any further. Because certain doubts arose in a case from Lahore, the amending Bill has been brought. The decisions of the Privy Council, after partition, are not binding on this country, but those of us who are familiar with the doctrine of judicial decisions know that the decisions of the Privy Council always have had great weight and will continue to have great weight. The decisions of the Privy Council on appeals from other parts of the Commonwealth where similar enactments are in force as in this country, are actually not binding on us, but they have been followed by the superior courts in this country. The same Employers' Liability Act is in force in Pakistan as in India. Therefore, it is not unlikely—it is most likely on the other hand—that a similar view would be taken in this country also.

This Bill has therefore been brought forward. The purpose, as given in the Statement of Objects and Reasons, is

to abolish the defence of "common employment". As there was doubt about it, namely as to whether the defence of "common employment" is sought to be absolutely abolished, I have tabled certain amendments following the English Act on the basis of which, really speaking, the amending Bill should have been brought forward. Any way, the position has been made fairly clear by the amending Bill and I have tried to make it more clear by putting in certain amendments, particularly covering the point of Mr. Tajumul Hussain about certain contracts being rendered void. There should be no difficulty in accepting the rearrangement of the provisions of section 3 and I believe the hon. Minister for Labour will deem it fit to accept the amendments that I have proposed so that the defence of "common employment" may not be a defence available to the employer any further. The doctrine is exploded in England and I have no doubt that it ought not to hold good in this country too.

Shri Jagjivan Ram: I must take notice of my hon. friend, Mr. Rohini Kumar Chaudhuri and must sympathise with him. This item was on the Order Paper for the last one week or more, and when Mr. Chaudhuri makes a grievance that he has been taken by surprise, I must say that he has little interest in this type of measures. So, whether it is taken up just now or postponed is immaterial for him, but all the same I sympathise with him.

Shri R. K. Chaudhuri: I am very much interested in it.

Shri Jagjivan Ram: The difference between the two drafts is quite clear. As has been explained by my friend, Mr. Kapoor, the intention was this. There are three acts or omissions. The Lahore High Court held that the section covered three categories of acts or commissions of a fellow worker, namely those done or made in obedience to any rule or bye-laws of the employer, in obedience to particular instructions given by a person to whom the employer has delegated authority in that behalf, and those done in the

6 P. M. normal performance of his duties. As far as these three substantive grounds are concerned, it has not been sought to make any difference or change in them. The three categories of acts or commissions remain as they are in the existing Act. The confusion was created for want of a comma after "behalf" and before "or" in the last line of sub-clause (d) of section 3. On appeal, the Privy Council has held that this section covers only two categories of acts or omissions of a fellow-

[Shri Jagjivan Ram]

workman, namely, those done or made in obedience to any rule or law of the employer and in obedience to particular instructions which were either given by a person to whom the employer has delegated authority in that behalf or given in the normal performance of his, i.e. the fellow-workman's duties. That was the confusion. What we are seeking to remove by this Bill is this confusion. In order to make it more clear, we not only insert the comma, but we also say "in the normal performance of the duties of that person". So, I do not think that there is any difficulty in following the difference between the two drafts. It is quite clear. With these words, I move that the Bill be taken into consideration.

Mr. Chairman: The question is:

"That the Bill further to amend the Employers' Liability Act, 1938, be taken into consideration."

The motion was adopted.

Pandit Kunzru (Uttar Pradesh): It is past six o'clock.

Mr. Chairman: It is a short Bill. We may finish it. We shall now take the Bill clause by clause.

Clause 2.—(Amendment of Section 3, Act XXIV of 1938)

Mr. Chairman: There are three amendments. I would like to know whether the hon. Minister is going to accept any of them. The first one relates to marginal notes and therefore I declare it out of order. The hon. Minister may state the position in respect of the other two.

Shri Jagjivan Ram: I am going to accept Nos. 2 and 3.

Dr. R. U. Singh: Sir, I suggest that you may take my amendments Nos. 2 and 3 first and then come to amendment No. 1. If we pass Nos. 2 and 3, it will defeat the whole purpose if you rule my amendment No. 1 out of order, because the words "defence of common employment barred in certain cases"—will continue which means that in certain cases it may still be argued that the defence is still available even now, whereas the whole purpose of the Act is to bar the defence of common employment.

Mr. Chairman: So far as amendment No. 1 is concerned, it will come after Nos. 2 and 3. But I may just point out that there need be no formal amendment in regard to marginal notes. It will be left to the Draftsman. It is not accepted formally because this is not the place to accept it.

Dr. R. U. Singh: So I shall move my second amendment first. I beg to move:

In clause 2, in sub-clause (ii) of the proposed clause (d) of section 3 of the Employers' Liability Act, 1938, omit the brackets and words "(not being a rule or bye-law which is required by or under any law for the time being in force to be approved by any authority and which has been so approved)".

Mr. Chairman: Amendment moved:

In clause 2, in sub-clause (ii) of the proposed clause (d) of section 3 of the Employers' Liability Act, 1938, omit the brackets and words "(not being a rule or bye-law which is required by or under any law for the time being in force to be approved by any authority and which has been so approved)".

Shri Jagjivan Ram: I accept it, Sir.

Shri Syamnandan Sahaya: Before you put it to the House, I would like to understand the position. After all, those words were introduced in the original Act with some purpose. There are circumstances laid down under which a suit for damages instituted by the workman shall not fail. Naturally, when an act of commission or omission is committed in obedience to any rule or bye-law of the employer (not being a rule or bye-law which is required by or under any law for the time being in force to be approved by any authority and which has been so approved) that act is different from the act which is committed in obedience to any rule approved by the authority as contemplated by the words in brackets. The law as it is differentiates between an act of commission or omission committed in obedience to any rule or bye-law of the employer and between a rule or a bye-law made under and approved by any authority—that is to say, there is a distinction drawn between a rule or bye-law made by an employer himself and a rule or bye-law made and accepted under an authority. That distinction had been drawn after due consideration and it is necessary to maintain it. The hon. Minister of Labour knows that there are several rules, bye-laws and standing orders which are now made and are approved by the proper authority, viz. the Governments concerned. In my opinion, therefore there is no need to allow this amendment for omitting the words under bracket. I would like Government to consider this matter and discuss it tomorrow.

The other amendment No. 3 is also contentious. It is not so simple.

Dr. R. U. Singh: You may kindly let me have an opportunity to have my say, as I will not be here tomorrow.

Some Hon. Members: Adjourn now.

Mr. Chairman: I understand that the House is anxious to adjourn. It is past six now. So I adjourn the House till 10-45 A.M. tomorrow.

The House then adjourned till a Quarter to Eleven of the Clock on Wednesday the 20th December, 1950.

