

Thursday, 15th March, 1951



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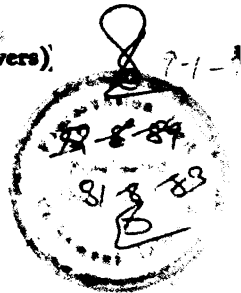
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PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME VI, 1951



(5th February to 31st March, 1951)

Third Session (Second Part)

of the

PARLIAMENT OF INDIA

1951

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

2363

2364

PARLIAMENT OF INDIA

Thursday, 15th March, 1951

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

AGRICULTURAL LABOUR

*2216. Prof. S. N. Mishra: (a) Will the Minister of Labour be pleased to state whether it is a fact that Government referred the question of fixation of minimum wages for agricultural labour to the National Planning Commission sometime back?

(b) If so, has the National Planning Commission made any recommendations?

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

(b) Yes. The Planning Commission appointed an expert Committee for this purpose. The Committee recommended that the scope of the Minimum Wages Act, 1948, as far as it is applicable to agricultural workers, should be restricted to areas of low wages where, firstly, action was most urgently called for and secondly, action had the maximum chances of being successful. Taking this into account the Commission recommended that option should be given to State Governments to introduce minimum wages for agricultural workers in such limited areas and at such times as they considered feasible.

Prof. S. N. Mishra: What will happen to the employees engaged in the enquiry? Will they be disbanded?

Shri Jagjivan Ram: Obviously, so.

Prof. S. N. Mishra: May I know the number of employees engaged?

Shri Jagjivan Ram: It will be a few hundreds, 300 or 400.

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Shri Kesava Rao: May I know whether any date has been fixed for the fixation of minimum wages for agricultural labour?

Shri Jagjivan Ram: No; according to the recommendation of the Planning Commission, no date has to be fixed. Option is to be given to the State Government to fix minimum wages for agricultural workers as and when they please.

Shri Kamath: Is it a fact that the Minimum Wages Act, 1948, provided for fixation of minimum wages for labour in scheduled establishments, and if so in how many establishments and in how many States has this been given effect to so far?

Shri Jagjivan Ram: There are two schedules in the Minimum Wages Act. In Schedule I, a number of industries are enumerated. Schedule II includes agriculture. So far as Schedule I is concerned, a number of State Governments have fixed minimum wages in a large number of industries in that schedule. Only a few days back, I think, in reply to a question, I have laid a Statement on the Table of the House wherein I have given the details of the various industries in which minimum wages have been fixed.

Shri A. C. Guha: Can the hon. Minister give us an idea as to what is the disparity between the general level of wages prevailing in industrial areas and in agricultural areas?

Shri Jagjivan Ram: Obviously, the wages in agriculture are much lower than what they are in industry.

Shri Meeran: May I know whether the Planning Commission in their report has indicated at least by way of example any areas where agricultural labour is paid very low?

Shri Jagjivan Ram: It is not for the Planning Commission to indicate. An enquiry is being carried on in various States and we have received some material regarding the prevailing wages in those areas. The State Governments can say which are the most

depressed pockets where very low wages are paid to agricultural workers.

Prof. S. N. Mishra: What do the enquiries indicate about the average annual income, and average expenditure for an agricultural labour's family?

Shri Jagjivan Ram: The enquiry reveals a very bad state of affairs. The annual income of an agricultural family—I do not refer to individual workers, but families—comes to something between Rs. 300 and 400 per year. Therefore, the income is not enough to meet their ordinary expenses.

PENSION AND PROVIDENT FUND

*2217. **Shri Sidhva:** (a) Will the Minister of Rehabilitation be pleased to state at what stage the question of payment of pensions and Provident funds to displaced persons who came from Western Pakistan to India stands?

(b) How many representations have been received from various Associations and individuals in connection with this matter?

(c) How much amount has Government paid to the displaced persons in respect of their pensions as per their recent announcement?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) The attention of the House is drawn to a statement made by me in answer to Starred Question No. 141 by Shri Sidhva on the 28th November, 1950, which gives the previous history of the case.

The position of the displaced persons other than employees of the divided Provinces of Punjab and Bengal with regard to pensions and provident funds is now as follows:

- (i) Displaced Government servants to whom provisional pensions had been sanctioned under the December, 1947 Indo-Pakistan Agreement are continuing to receive this benefit.
- (ii) Displaced Government servants and servants of States and Local Bodies not covered by the provisional pensions scheme of December, 1947 will now get the full amount of their pensions under the Indo-Pakistan Agreement of December, 1950.
- (iii) Displaced Government servants and servants of States and Local Bodies who were eligible to pensions but whose pensions had not been sanctioned are entitled to payment of 50 per cent. of the pension subject to a maximum of Rs. 150 per

mensem under the interim relief scheme sanctioned by the Ministry of Rehabilitation in November, 1950.

(iv) Displaced Government servants and servants of States and Local Bodies whose provident funds have not been paid will be eligible to payment of 50 per cent. of the ascertained dues under the Indo-Pakistan Provisional Payments scheme.

(v) Victims of Quetta earthquake who were in receipt of allowances in West Pakistan and dependents of the Government servants who died or were injured during the civil disturbances are entitled to payment under the interim relief scheme of the Ministry of Rehabilitation.

(b) A large number of representations were received but as the matter has now been satisfactorily solved, it will serve no useful purpose to ransack the numerous records.

(c) The Ministry has requested the Auditor-General to ask the Accountants General concerned to arrange payment against authorities issued by the Central Claims Organisation of the Ministry of Rehabilitation.

Shri Sidhva: The hon. Minister stated that 50 per cent. has been arranged to be paid provisionally towards the Provident Fund to employees of local bodies under the Agreement arrived at with Pakistan in December, 1950. May I know whether this amount will be paid by Pakistan Government, and what will be the position regarding the remaining 50 per cent? Has any agreement been arrived at or is likely to be arrived at?

Shri A. P. Jain: The main difficulty in implementing the Act was the difficulty about exchange. As a result of December, 1950, Agreement, it has been arranged that all settlements under the scheme will be in terms of Indian Rupees and final adjustments will be made later on. So far as the remaining 50 per cent. is concerned, nothing has been decided as yet. Ultimately, we hope to realise the money from Pakistan and pay to all persons concerned.

Shri Sidhva: Arising out of answer to part (c) of the question, the hon. Minister said that he has referred the matter to the Accountants General for disposal. May I know how many applications have been received so far, and whether any money has been paid during the three months that have elapsed from the date of the announcement? Is it a fact that no partial payments of pension and provident fund have yet been paid?

Shri A. P. Jain: 2173 applications have been received. Out of these, 400 have been scrutinised by the officer in charge of the Claims Organisation. In ten cases payment has been sanctioned. The reason for the delay is this. First, the rules had to be framed. Then, forms were printed and they were sent to the displaced persons. Finally, these rules were finalised in the beginning of February. The Committee is scrutinising these applications. I hope payments will start by the end of this month or the first week of April.

लाला अचिंत राम : क्या माननीय मंत्रीजी कृपा करके बतायेंगे कि इस पेंशन और प्रोविडेंट फंड की मद में अदायगी के लिये आपके पास कितना रुपया है ?

[**Lala Achint Ram:** Will the hon. Minister be pleased to state the amount which is available with the Government for the payment on account of the items of pension and provident fund?]

श्री ए० पी० जैन : इनकी मद का कोई सवाल नहीं है। जिन जिनका रुपया बाजिब है, उनको जनरल एक्सचेंजर की तरफ से दिया जायगा।

[**Shri A. P. Jain:** The question in respect of these items does not arise. The amount which is due to these people will be paid from General Exchequer.]

Sardar Hukam Singh: Sir, are there yet any cases of displaced persons who claim pensions and provident fund amounts which have not been decided by Government?

Shri A. P. Jain: I said 2,173 applications have been received; some of these have been scrutinised and some have been sanctioned and others are being scrutinised and are in the process of being sanctioned. These are now under scrutiny.

Sardar Hukam Singh: Will Government sanction these claims after scrutiny irrespective as to whether the Pakistan Government agrees to pay the rest of the amount?

Shri A. P. Jain: The scheme that I have just read out to the House is for immediate implementation. Some sort of arrangement has been made with Pakistan for the implementation of the scheme. It does not depend on what Pakistan pays and what ultimately is settled with Pakistan.

Shri Chattopadhyay: So far, I understand there was some difficulty in the settlement of these pensions due to the non-availability of papers from Pakistan. May I know whether these papers have now been received from Pakistan?

Shri A. P. Jain: The implication that there was difficulty due to the non-availability of papers from Pakistan is not correct. It is for the person who claims the pension to supply the papers. Of course they have to be verified and that is done. The previous clause has been removed and it is now for us to receive the papers and to finally assess the claims and make payment.

EVACUEE LAND IN PUNJAB

*2218. **Dr. Ram Subhag Singh:** Will the Minister of Rehabilitation be pleased to state:

(a) the total acreage of evacuee land in the Punjab (I);

(b) the percentage of the evacuee land which has been allotted to new allottees;

(c) the number of evacuee houses in the Punjab (I); and

(d) what percentage of those houses has been allotted to displaced persons from West Pakistan?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) 39,79,000 acres.

(b) 98.9 per cent. in rural areas, 93 per cent. in urban areas.

(c) 4,83,909.

(d) 96.8 per cent. of the allottable houses in urban areas and 94.1 per cent. of the allottable houses in rural areas.

Dr. Ram Subhag Singh: How soon do Government expect to get the remaining houses and land settled on these refugees?

Shri A. P. Jain: As regards the land, the balance is 31,044 acres both in the Punjab and in PEPSU. But the land is of inferior quality and we are prepared to give it to the displaced persons, provided they are prepared to take it. Unfortunately they have not shown any inclination to do that. So far as the houses are concerned, there is a balance of 3,395, out of these 2,396 are either in the possession of the old tenants or have been allotted to non-displaced persons who are government servants and who are eligible for allotment there. 1,199 still remain to be allotted and they will be allotted.

Dr. Ram Subhag Singh: Sir what are the maximum and minimum acreage of land allotted to a single family?

Shri A. P. Jain: The basis was the area held by the person in Pakistan. Those who had less than 10 acres got about 75 per cent. of the area they possessed in Pakistan.

کہانی جی - ایس - مسافر - کہہ
ایسے مکانوں پر کچھ لوکل آدمیوں
کے بہر اس وقت تک نہیں ہوئے
ہیں۔

[**Giani G. S. Musafir:** Are any of the local people still in possession of these houses?]

جی ६۰ پی۰ جین : ان کے تو مہ نے
جہی آپکو واکہ دیے ہیں ।

[**Shri A. P. Jain:** I have just now given these figures.]

लाला अचिन्त राम : क्या माननीय मंत्री
रुपा करके बतावेंगे कि क्या गवर्नमेंट के
पास कोई ऐसी इवैक्युई लैंड है जो जमी
ईरज्वां रखी गयी है, किसी को अलाट
नहीं की गयी है? अगर है तो उसका
अलाटमेंट कैसे होगा?

[**Lala Achint Ram:** Will the hon. Minister be pleased to state whether the Government is still in possession of any such evacuee lands, which have been kept in reserve till now, and have not been allotted to anybody? If so, how the said lands will be allotted?]

जो ६० पी० जिन : मुझे तो जमी तक
ऐसे किसी इवैक्युई लैंड का पता नहीं है ।
अगर जप वत वेंगे तो मैं उसका जवर
जबाब देने को तैयार हूँ ।

[**Shri A. P. Jain:** I do not know of any such evacuee lands so far. I will be certainly prepared to answer if the hon. Member lets me know of the same.]

Sardar Hukam Singh: Are any of the lands or houses which were declared to be evacuee property subsequently restored to persons who come back from Pakistan?

Shri A. P. Jain: There have been cases in which properties were declared to be evacuee properties but the persons to whom they belonged had not gone to Pakistan, and in those cases some restorations are made. Some restorations are also made in pursuance of the notification which

was published by this Ministry in pursuance of an undertaking given by my predecessor **Shri Mohan Lal Saksena** regarding persons returning before a particular date.

Sardar Hukam Singh: Is it contemplated to invite more persons from Pakistan to the Punjab as well?

Shri A. P. Jain: There is nothing in contemplation. There have been cases where persons have been stranded and where we considered that those persons had gone only for a temporary visit but they could not return on account of some permit difficulties and in such cases we give them the resettlement permit.

Sardar B. S. Man: Sir, the percentage given about the allotment of houses, i.e. 98 per cent., does it refer to the houses in the villages and if so, is it not a fact that these being mostly kutchha houses they have largely been demolished during the last three or four years?

Shri A. P. Jain: I am afraid my hon. friend does not care to follow the answer. The first figure of 96.8 per cent. relates to houses in urban areas and the other figure of 94.1 per cent. relates to rural areas.

Sardar B. S. Man: That is why I want to know, Sir...

Mr. Speaker: No, we go to the next question.

DISPLACED T. B. PATIENTS

*2219. **Dr. Ram Subhag Singh:** (a) Will the Minister of Rehabilitation be pleased to state whether the Government of India give any facilities for the treatment of displaced T.B. patients from East Bengal?

(b) If so, what kind of facilities do they give?

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

(b) 50 beds in the Jadabpur T.B. Hospital, 10 beds in the Calcutta Medical College and 20 beds in the National Infirmary Hospital at Calcutta have been reserved for displaced T.B. patients from East Bengal. A Hospital with 100 beds and X-Ray examination facilities has also been established at Beliaghata, Calcutta and arrangements are in progress to set up another 100 beds at the hospital in Kanchrapara. Arrangements have also been made for the out-door treatment of displaced T.B. patients, examination of their sputum and for skiagrams at the Jadabpur and Beliaghata Hospitals.

Dr. Ram Subhag Singh: May I know the number of patients who have been admitted into these hospitals?

Shri A. P. Jain: Sir, these beds are under the management of the State Government and we do not maintain here the figures of patients.

Dr. Ram Subhag Singh: Sir, is any money being spent on these hospitals by the Central Government?

Shri A. P. Jain: Yes, we have made a grant of Rs. 4 lakhs.

Shri A. C. Guha: When are the proposed hospitals expected to be ready?

Shri A. P. Jain: One is ready and the other is being established and I think that also will be ready soon.

Shri A. C. Guha: Sir, are the patients treated free there or have they to pay some charge?

Shri A. P. Jain: They are not charged anything.

Pandit Munishwar Datt Upadhyay: Sir, may I know whether such facilities are given to patients who suffer from other diseases also?

Shri A. P. Jain: Displaced persons suffering from all kinds of ailments are given proper facilities.

TEA CULTIVATION

*2220. **Pandit M. B. Bhargava:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total acreage under cultivation of tea in undivided India in the year 1947 and the total produce of tea therefrom;

(b) the total acreage under tea cultivation in the various States of the Indian Union during the years 1948, 1949 and 1950 and the total tea produce during these three years;

(c) the total quantity and value of tea exported from India during the years 1948, 1949 and 1950 to the dollar and sterling regions separately;

(d) the number of tea plantations in the various States of the Indian Union during the years 1948, 1949 and 1950;

(e) what was the yield per acre of tea during the years from 1946 to 1950;

(f) what was the extent of area diverted from tea plantation to the production of food grains in pursuance of the 'Grow More Food' Campaign during the years 1948, 1949 and 1950 and how it has affected the tea plantation in Assam and other States of India; and

(g) what was the total quantity of tea consumed in the areas now comprising the Indian Union during the year 1939 and the years from 1947 to 1950?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a), to (e) and (g). A statement is laid on the Table of the House. [See Appendix XV, annexure No. 29.]

(f) So far as Government are aware no tea bearing land has been diverted to the production of foodgrains in pursuance of the 'Grow More Food' Campaign.

Shri Chaliha: Sir, what are the reasons for the decrease of the export and consumption of tea in the U.S.A. and Canada, in the year 1949-50?

Shri Karmarkar: If my hon. friend goes through the statement he will see that there is no tendency for reduction. As has been explained in an answer earlier, it is only something in the nature of a seasonal reduction and there is no sign of any permanent reduction so far as the whole year is concerned.

Shri Chaliha: Is it not a fact that the figure has come down from Rs. 12 crores to Rs. 8 crores?

Shri Karmarkar: No, that is not a fact.

Shri Dwivedi: Is it a fact that some tea growing areas have been diverted for the cultivation of jute?

Shri Karmarkar: No.

Shri M. V. Rama Rao: Is it not a fact that the area under tea for the years 1948, 1949 and 1950 has remained stationary at 758,000 acres?

Shri Karmarkar: That is right. I may also inform the House that there are schemes for the five year plan from 1950 to 1955 to make more land available for the expansion of tea production.

Kapas (Export)

*2221. **Shri B. R. Bhagat:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Government of India have banned the export of kapas (cotton) from Punjab (India) without permit;

(b) if so, the reasons therefor; and

(c) whether similar bans are imposed in other cotton-growing States?

The Minister of Commerce and Industry (Shri Mahtab): (a) Yes.

(b) The action was necessitated by the fact that there were widespread complaints from mills that cotton was not available in the Ferozepore District except at rates very much higher than the maximum prices prescribed by the Textile Commissioner under Cotton Control Order, 1950.

(c) A similar ban on the export of cotton has been imposed in the East and the West Khandesh Districts, Districts of Kaiva, Panch Mahals, Baroda, Broach and Surat of the Bombay State, the Buldana Akola and Amraoti districts of Madhya Pradesh. No movement of Surat and Vijaya cottons grown in Bombay State, is allowed without the permission of the Textile Commissioner, Bombay.

Shri B. R. Bhagat: May I know whether the permits are being issued by one central authority: and if so, by whom?

Shri Mahtab: By the Textile Commissioner.

Shri B. R. Bhagat: May I know how many permits have been issued so far as the Punjab is concerned?

Shri Mahtab: I have not got the figures.

Shri B. R. Bhagat: What is the basis on which the permits are issued? What are the considerations involved?

Shri Mahtab: According to the requirements of the mills concerned, the mills are allotted certain quotas of cotton. India has been divided into several zones, approximately coinciding with the cotton-growing areas and the approximate production of cotton is taken into account. Then allotment is made to the mills and permits are accordingly issued.

Shri Jnani Ram: What is the number of applications for permits that have been rejected?

Shri Mahtab: Applications of mills must have been rejected on the ground that the mills concerned have got sufficient stock. No mill is allowed to stock more cotton than is necessary.

Kaka Bhagwant Roy: What is the total production of Bengal desi cotton?

Shri Mahtab: The estimate is about three lakh bales.

Shri T. N. Singh: May I know whether the restrictions on export also involve restrictions on movement from one Province to another or is free movement of kapas permitted from one zone to the mill area for which the zone is meant.

Shri Mahtab: The ban is imposed on movement from zone to zone.

TRADE IN CLOTH WITH U. K.

*2222. **Shri B. R. Bhagat:** Will the Minister of Commerce and Industry be pleased to state:

(a) the volume of trade in cloth between U.K. and India during the last three years;

(b) whether it is a fact that the Indian export of cloth to U.K. has now increased and cloth imports from U.K. has decreased; and

(c) if so, the reasons therefor?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) A statement is placed on the Table of the House.

(b) Yes, Sir.

(c) Exports of cloth have increased on account of rise in demand of cheaper coarse and medium cotton piecegoods in U.K. Imports have decreased because of restrictions imposed in the middle of 1949 on the import of cotton piecegoods.

STATEMENT

The volume of cloth trade between U.K. and India during the last three years.

Period	Exports to U.K.		Imports from U.K.	
	Quantity yards	Value Rs. (000)	Quantity yards	Value Rs. (000)
1948-49	3,237	4	37,242,892	7,75,59
1949-50	31,225,427	2,49,90	10,142,511	7,94,48
April	48,845,024	3,90,51	2,262,595	51,35
to				
December				
1950				

Shri B. R. Bhagat: May I know whether there has been any general complaint in the U.K. about the quality of India's exports?

Shri Karmarkar: Not to my knowledge.

Shri E. Velayudhan: What steps have Government taken to prevent the re-export from U.K.?

Shri Karmarkar: We can take no steps whatever to prevent re-export from U.K. We have no power.

Shri B. R. Bhagat: According to the statement, during these three years the export has increased from 3,237 to 48 million yards. Are the Government satisfied that this export of cloth from India has not been very much at the cost of internal requirements?

Shri Karmarkar: It is always a question of priorities at particular times. My hon. friend knows that recently we have been stepping down the export of cloth in order to meet the internal requirements of the country. But at

the time the cloth was allowed to be exported there was no question of dearth for internal consumption.

Shri M. L. Gupta: If it is a fact that cloth is being re-exported from U.K. to other countries, are we not losing the profit thereon, as we could have exported directly to the countries concerned?

Shri Karmarkar: I understand my hon. friend to ask me whether it is a fact that we are losing money on account of our exporting cloth to the U.K. and that they are re-exporting the same to some other countries to which we might have exported ourselves.

Shri M. L. Gupta: That is right.

Shri Karmarkar: The answer is I do not think so.

Dr. Ram Subhag Singh: Is not our present cloth scarcity also due to our increased cloth export to the U.K. and other countries, as stated by the Supply Minister?

Mr. Speaker: All aspects of this question have been discussed recently.

Shri T. N. Singh: What are the varieties of cloth which are exported to the U.K. and are they meant for local consumption or a large proportion of them is being re-exported?

Shri Karmarkar: I would like to have notice.

Shri Jnani Ram: Is the import confined to particular kinds of cloth at present?

Shri Karmarkar: It is only confined, so far as I can remember, to particular kinds of cloth and in fact, my hon. friend will see that we have almost reduced it to negligible quantities.

DRY BATTERIES

*2223. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Commerce and Industry be pleased to state which are the factories manufacturing dry batteries in India?

(b) What percentage of Indian capital is invested in this industry?

(c) Are we manufacturing sufficient quantity to meet the internal demand?

(d) If not, what steps are being taken to encourage and help the production of dry batteries in the country?

The Minister of Commerce and Industry (Shri Mahtab): (a) (1) The Estrela Batteries Ltd., Bombay.

(2) The Solar Batteries and Flashlights Ltd., Bombay.

(3) The Sunbeam Electrical Industries Ltd., Bombay.

(4) The National Carbon Company (I) Ltd., Bombay.

(b) Out of the four firms, the capital of three firms is entirely Indian and that of the fourth foreign. The total Indian capital invested is about Rs. 58 lakhs.

(c) No.

(d) This is a protected industry. The protective duty on imports is 30 per cent. *ad valorem*. Other forms of assistance in regard to procurement of raw materials etc., are also being rendered.

Pandit Munishwar Datt Upadhyay: What was the capacity of production before the war and what is our capacity now?

Shri Mahtab: The installed capacity of these four plants is 213.5 million cells but the actual production is only 138.2 million cells.

Pandit Munishwar Datt Upadhyay: What is the demand of radio batteries in 1951?

Shri Mahtab: At present the demand is 180 to 200 million cells.

Pandit Munishwar Datt Upadhyay: What are the raw materials required for the manufacture of these dry batteries?

Shri Mahtab: Manganese dioxide, graphite, ammonium chloride, mercury chloride, zinc chloride, etc.

Pandit Munishwar Datt Upadhyay: Are we self-sufficient in these materials?

Shri Mahtab: No, Sir.

Shri Sidhva: For how many years has this industry been enjoying the protection of the State? May I know whether Government have taken any steps to see that their overhead charges are reduced so as to enable them to meet foreign competition?

Shri Mahtab: I have already said that our factories are not producing to the installed capacity in spite of protection but the gap is small. The requirement is about 180 to 200 million cells, whereas the production is 138 million cells. It is very difficult to know exactly why the production has not come up to the installed capacity. It is a matter which requires investigation. The hon. Member will find in the Tariff Commission Bill which has been placed before the House that steps are being taken to provide the machinery to investigate the reasons.

Shri Joachim Alva: What is the combined production of the three Indian factories as against the production of the foreign factory? What are the handicaps under which these three Indian factories are suffering as compared with the foreign factory?

Shri Mahtab: I have no figures factory wise. They are going to expand their production: that much I know.

Shri Dwivedi: May I know if there is some export from our factories?

An Hon. Member: How is it possible when it is protected?

INDIA STORES DEPARTMENT

*2224. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Works, Production and Supply be pleased to state what is the annual maintenance cost of the India Store Department, London?

(b) What is the valuation of transactions done through them in the year 1949-50?

(c) What is the valuation of advantage that we received by transactions through them during the said year?

(d) When was this Store Department established in London?

The Minister of Works, Production and Supply (Shri Gadgil): (a) The actual expenditure during 1949-50 was £278,893. Against this, the Department earned £484,083 during that year as departmental charges for services rendered by them.

(b) £22,110,900.

(c) Considerable financial advantage accrued to Government by transactions through the India Store Department, London, in the sphere of purchase, inspection and shipment of stores, but records are not maintained to show the amount of such financial advantage. Indeed it would be difficult to put a monetary value on these advantages except by way of the percentage levied as departmental charges.

(d) The India Store Department, London, was organised under the British Government in 1860.

Pandit Munishwar Datt Upadhyay: May I know with what other countries are transactions carried on through this department in London?

Shri Gadgil: Apart from transactions in U.K., if orders are placed in Continental countries they too are transacted by these people.

Pandit Munishwar Datt Upadhyay: Are these transactions done on a tender basis or on an open market purchase basis?

Shri Gadgil: Mostly on tender basis. Tenders are invited from all over the world.

Pandit Munishwar Datt Upadhyay: What is the relation of this Department with the Indian High Commissioner there?

Shri Gadgil: The Indian High Commissioner is the administrative head for purposes of discipline.

Shri Rudrappa: May I know whether the Audit Department of the Government of India has raised any serious objections with regard to the procedure of purchases in England?

Shri Gadgil: I require notice for that.

Sardar B. S. Man: Has the India Store Department been completely Indianised? If not, what is the number of Indian employees and what is the number of non-Indian employees?

Shri Gadgil: I require notice for that.

Shri Sidhva: The hon. Minister said that our High Commissioner is the administrative head only for the purpose of discipline. May I know whether the High Commissioner is the head of the India Store Department or whether there is a separate head?

Shri Gadgil: The India Store Department is under the Ministry of Works, Production and Supply, but in as much as staff is there in London there must be somebody to enforce discipline. For that purpose the High Commissioner is the head.

Pandit Thakur Das Bhargava: May I know who determines these earnings and in what manner they are determined?

Shri Gadgil: They are examined. I think, by the audit officer with the Indian High Commissioner

Pandit Thakur Das Bhargava: In what manner are they examined, on what basis?

Shri Gadgil: I require notice.

Pandit Munishwar Datt Upadhyay: What is the valuation of the radio and aircraft equipment that we purchased through this Department in 1950?

Shri Gadgil: I require notice.

PARA-AMINOSALICYLIC ACID

*2225. **Shri S. C. Samanta:** (a) Will the Minister of Commerce and Industry be pleased to state whether it is a fact that two Indian firms will produce Para-aminosalicylic acid (P.A.S.) in collaboration with foreign firms?

(b) If so, have plants been installed?

(c) What will be the production capacity of each plant per year?

The Minister of Commerce and Industry (Shri Mahtab): (a) Yes.

(b) Yes.

(c) Production capacity of the plants installed by M/s. Nivea Pharmaceuticals Ltd. and M/s Cilag Hind Ltd, is 12 and 40 tons per annum respectively.

Shri S. C. Samanta: May I know whether any other firms have shown interest in the production of P. A. S. and, if so, how many will be granted permission to manufacture it in the near future?

Shri Mahtab: At the present moment the Government of India have granted permission to three Indian firms to manufacture P. A. S. in collaboration with foreign firms. No other firm has yet approached the Government. If any others approach, their cases will be considered on their merits.

Shri S. C. Samanta: May I know the countries from which plants will be imported?

Shri Mahtab: Of the three firms which are now attempting to manufacture this article, one is collaborating with a U.K. firm, the second is collaborating with a Swiss firm and the third one with an Italian firm.

Shri Amolakh Chand: May I know by what time these firms are expected to go into production?

Shri Mahtab: So far as present information goes, in a year or two.

Dr. M. M. Das: May I know the annual requirements of this medicine in India and what percentage of our requirements will be supplied by these factories?

Shri Mahtab: I am sorry I have not got the information here.

Shri S. C. Samanta: What will be the estimated production this year from Messrs. Nivea Pharmaceuticals Ltd.?

Shri Mahtab: The estimated production, as I have already stated in the reply, is 12 tons.

FOREIGNERS GOING TO NEPAL

*2226. **Dr. M. M. Das:** Will the Prime Minister be pleased to state:

(a) whether any passport or permission is required to be given by the Government of India to a foreigner for his passage through India to and from Nepal; and

(b) the number of foreigners who have gone to Nepal since the beginning of 1950 up till now?

The Deputy Minister of External Affairs (Dr. Keskar): (a) Foreigners (excepting Citizens of Commonwealth Countries) proceeding to Nepal through India are required to obtain transit visas for India and reentry visas for India from Passport Authorities here before leaving India for Nepal.

(b) The number of such non-Asian foreigners is 76. The figures for Asians are not available.

Dr. M. M. Das: May I know whether the Government of India is bound by some agreement with the Government of Nepal, or by convention, to allow the passage of these foreigners to and from Nepal through India, or whether Government reserve the right of withholding their transit?

Dr. Keskar: The transit of foreigners through India to Nepal is certainly carried out according to agreements and treaties with the Nepal Government. This is so not only with regard to foreigners but also with regard to goods and commodities required by the Nepal Government.

Dr. M. M. Das: May I know whether Indians who want to go to Nepal require any passport and whether Nepalese wanting to come to India require any passport?

Dr. Keskar: Indians going to Nepal, up to this time, require a permit from the Nepal Government to go to Nepal, but I might inform my hon friend that under the recent treaty that we have signed with Nepal, reciprocity rights for the citizens of both the countries are accepted, and very soon we hope that Indians going to Nepal will get the same facilities that Nepalese coming to India get.

Shri Raj Bahadur: May I know the name of the country from which the largest number of foreigners visited Nepal out of this figure of 76?

Dr. Keskar: I am afraid I would require notice for that question.

Dr. Ram Subhag Singh: In view of the fact that Nepal is not a member of the Commonwealth, may I know how the Commonwealth citizenship rule would apply to persons going to Nepal?

Dr. Keskar: I think my hon. friend has misunderstood my answer. Citizens of Commonwealth countries in passing through India do not require any visa for India. A citizen of the United Kingdom or of Canada coming to India has no need for possessing a visa but has to have only a valid passport. That is why he does not need a transit visa for going to Nepal through India.

Pandit Munishwar Dat Upadhyay: May I know whether the arrangement is an old one or there has been any change in it since 1947 or since the recent disturbances in Nepal?

Dr. Keskar: All the conventions with regard to the transit of foreigners through India are quite old. There has been no change. In fact, during the disturbances nobody was allowed to go to Nepal. That was all. But as I said, the convention with regard to Indians going to Nepal will, I hope, soon be changed and more reciprocity will be introduced.

TRADE REPRESENTATIVES

*2227. **Dr. M. M. Das:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether our Trade Representatives abroad submit any report; and

(b) if so, whether these reports are available to the trading community and the public?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Yes.

(b) Such portions of the reports which are not confidential are published in the "Indian Trade Journal" and the "Foreign Market Review". The former is available to the public as a priced publication and the latter circulated to the Chambers of Commerce and Trade Associations.

Dr. M. M. Das: May I know what is the nature of duties which these representatives perform?

Mr. Speaker: It must be contained in the report, I believe.

Shri Karmarkar: My hon. friend asks about the representatives abroad. They look after all our trade interests.

Dr. M. M. Das: Do they gather particular information about foreign trade?

Shri Karmarkar: The Fortnightly Reports submitted by these representatives deal generally with trade prospects, trade enquiries in particular commodities, trade complaints, any important developments affecting

trade, official organisation and other miscellaneous matters. The Monthly Reports deal with the general economic situation, foreign trade, trade enquiries and miscellaneous matters.

RAYON FACTORIES

*2228. **Dr. M. M. Das:** (a) Will the Minister of Commerce and Industry be pleased to state what is the total amount of foreign exchange—soft and hard currency—utilised to date, for the import of machineries for the Rayon Factories, of Messrs. National Rayon Corporation Limited of Bombay and Messrs. Sirsilk, Limited of Hyderabad?

(b) What approximate amounts of foreign wood pulp (in rupees) will be required annually when the said factories begin production?

The Minister of Commerce and Industry (Shri Mahtab): (a) The foreign exchange utilised to date by Messrs. National Rayon Corporation of Bombay amounts to ₹49,27,663 and by Messrs. Sirsilk of Hyderabad ₹12,70,936 and ₹3,66,460.

(b) Messrs. National Rayon Corporation will require wood pulp of the value of about Rs. 20 lakhs per annum. Messrs. Sirsilk will not use wood pulp but cotton linters as raw material for the process and this will be obtained from indigenous sources.

Dr. M. M. Das: May I know what is the annual production of artificial silk from these factories and whether the Government of India have got any control over the price fixation and distribution of the products?

Shri Mahtab: Production has not yet begun. So far as the National Rayon Corporation is concerned, it will go into production about the middle of this year. So far as the Sirsilk Co. of Hyderabad is concerned, it will go into production in 1952. The estimated production of the former is 5.5 million lbs. of yarn per annum and that of the latter is 5 tons of yarn per day.

Dr. M. M. Das: May I know whether Government contemplate imposing any control over the price fixation and distribution of these products?

Shri Mahtab: When production begins, if the textile control still remains, necessarily there will be control over them.

Dr. M. M. Das: In view of the fact that the raw materials used in the National Rayon Corporation of Bombay are fully foreign and require a large amount of foreign exchange, may I know whether Government have impressed upon these rayon factories

the necessity for their securing their raw materials from indigenous sources?

Shri Mahtab: It is a very simple proposition. I do not think that the National Rayon Corporation will fail to secure its raw materials locally if it possibly can. This is being insisted upon not only with regard to this Corporation but with regard to all factories we have told them that as far as possible they should rely upon the supply of raw materials from indigenous sources.

Shri R. Velayudhan: May I know whether the Travancore Rayons Ltd. have gone into production?

Shri Mahtab: I am sorry that that information is not available.

WAR CLAIMS FROM SIAM

*2229. **Shri R. Velayudhan:** (a) Will the Prime Minister be pleased to state whether India received any compensation from Siam as war claims?

(b) If so, what was the amount she got?

The Deputy Minister of External Affairs (Dr. Keskar): (a) and (b). The Governments of India, Australia and United Kingdom have agreed to accept the lump sum payment of £5,224,220 from the Government of Siam as compensation for war claims. The share of India amounts to about 1/50th of this figure. The payment has not been made so far.

Shri R. Velayudhan: May I know on what basis the claim of India was decided?

Dr. Keskar: I am afraid I will not be able to say off-hand the basis on which India's claim was decided, but generally speaking all these war claims were decided between the parties concerned on the basis of the contribution that the various countries had made to the war effort. If my hon friend requires details of India's case that was put up in regard to this particular matter, I will certainly furnish him with those details.

Shri R. Velayudhan: May I know whether there is any special reason for the delay in the payment of the claim of India which has already been settled?

Dr. Keskar: This decision was taken only very recently. The dispute with regard to the different shares of the concerned countries and also the amount that Siam has to pay was going on for a pretty long time. It is only recently that this suri has been accepted by all concerned.

Shri R. Velayudhan: May I know whether there is any proposal to adjust the amount against the payment to be made for the rice which we purchased from Siam?

Dr. Keskar: I would require notice.

Shri T. N. Singh: Has it ever been suggested that for a small country like Siam this compensation is too much and that it should be waived or reduced considerably? If so, what steps did India take in the matter?

Dr. Keskar: I am not able to say. It is quite possible that during the negotiations that went on such representations were made on behalf of the Thailand Government. But I may inform the hon. Member that the Siam Government have accepted to pay this claim.

Shri Rathnaswamy: May I know whether any time-limit has been fixed within which Siam should pay this amount?

Dr. Keskar: As far as I am aware, there is no time-limit fixed, but as I said this decision was taken very recently and I do not foresee any difficulties in the adjustment of the payment.

DECASUALISATION SCHEME

*2230. **Shri T. N. Singh:** Will the Minister of Labour be pleased to state whether it is a fact that the factory owners of Delhi have opposed the Decasualisation Scheme of the Regional Employment Exchange?

The Minister of Labour (Shri Jagjivan Ram): Not exactly. Discussion has been going on between the officers of the Directorate-General of Resettlement and Employment and factory owners in Delhi about the introduction of a decasualisation scheme.

Shri T. N. Singh: May I know what is the specific objection of the mill-owners to this proposal of decasualisation?

Shri Jagjivan Ram: The general objection of the employers to the decasualisation scheme is that their Sardars and Jobbers lose the opportunity of bringing in persons of their own choice for being recruited.

Shri T. N. Singh: Is it a fact that in these very mills a number of persons who are called 'casual' labourers are in fact equal to a permanent labourer according to the length of service they have put in?

Shri Jagjivan Ram: That is why a scheme of decasualisation is necessary.

Shri T. N. Singh: May I know whether employers elsewhere have

opposed this sort of decasualisation scheme?

Shri Jagjivan Ram: In the first instance, wherever we tried to introduce a scheme like that there is some preliminary objection and opposition, but when the scheme starts functioning the employers gradually reconcile themselves to the idea and co-operate. They have been cooperating in important industrial centres like Bombay, Ahmedabad, Kanpur and places like that.

STALLS IN CALCUTTA

*2231. **Shri A. C. Guha:** Will the Minister of Rehabilitation be pleased to state:

- the number of stalls erected in Calcutta for displaced stall-holders;
- the number of such stalls occupied so far and the number now lying unoccupied;
- the total cost of constructing these stalls; and
- whether any tender was called for before placing the contract?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) 384.

(b) 276 occupied and 108 unoccupied.

(c) Rs. 28,596.

(d) No.

Shri A. C. Guha: Have the Government enquired why the remaining stalls are not being occupied?

Shri A. P. Jain: The last time I visited Calcutta I saw those stalls and I was told that the D.Ps. were not prepared to leave the better localities they were occupying to occupy these stalls.

Shri A. C. Guha: Have Government offered those stalls for some time at least without rent?

Mr. Speaker: Order, order. He is now arguing or making suggestions.

लाला अचिंत राम : क्या माननीय मंत्री जी कृपा करके बतलायेंगे कि कलकत्ते में पुरचार्जियों की ज़रूरियात का क्याल रखते हुए गवर्नमेन्ट इस साल कितने नये स्टाल बनाने की तजवीज़ कर रही है ?

[**Lala Achint Ram:** Will the hon. Minister be pleased to state the number of stalls which the Government keeping in view the requirements of the refugees are proposing to construct in Calcutta?]

श्री ए. पी. जैन : जमी तो यही खाली पड़े हुए है ।

[**Shri A. P. Jain:** Even these very stalls are lying vacant.]

Shri Raj Bahadur: May I know whether it is usual to place the contracts without inviting tenders or has this been done specially in this case?

Shri A. P. Jain: That was a matter for the State Government to decide and it is such a small matter that it was not for me to interfere in all these things.

PAKISTAN SEPOYS IN EAST BENGAL

*2236. **Shri Sidhva:** (a) Will the Prime Minister be pleased to state whether it is a fact that in December, 1950, Pakistan sepoys in East Bengal along with some Pakistani Muslims seized a boat carrying 22 maunds of rice towards Karimganj?

(b) Is it a fact that some of the occupants were detained in custody?

(c) Have Government taken any steps in this direction?

The Deputy Minister of External Affairs (Dr. Keskar): (a) Yes.

(b) Seven occupants of the boat were detained by the Pakistan police for a day after which they were released on bail.

(c) The case is still under investigation.

Shri Sidhva: Has the matter been referred to the Pakistan Government or is it a matter for local investigation?

Dr. Keskar: The matter is under local investigation and has also been referred to the Pakistan Government.

TRADE AGREEMENT WITH FINLAND

*2237. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Commerce and Industry be pleased to state whether there is any trade agreement between Finland and India?

(b) If so, for what commodities does this agreement provide export market for India in Finland?

(c) What commodities required by India are likely to be available from Finland?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) to (c). The attention of the hon. Member is invited to Starred Question No. 1752 asked by Shri B. R. Bhagat on the 27th February, 1951 and my reply thereto.

For facility of recollection I shall read out the answer given to Starred Question No. 1752:

"India has not entered into a formal trade agreement with Finland but has arrived at a trade arrangement with that country for the year 1951 for promotion of direct trade between the two countries. No quantitative commitments have been made. Copies of trade letters exchanged to that effect have been placed in the Library of the House."

Paadit Munishwar Datt Upadhyay: What was the volume of trade between India and Finland in 1950?

Shri Karmarkar: The figures for 1949-50 are as follows:

Imports.—Rs. 1,17,00,000.

Exports.—Rs. 19,00,000.

Shri B. K. Bhagat: May I know whether this agreement for promotion of trade between India and Finland will be on a bilateral basis or some other basis?

Shri Karmarkar: An agreement of trade between two countries cannot be anything other than bilateral.

JUTE CONTROLLER

*2238. **Shri Kamath:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government are aware of the suit instituted by Shri K. C. Biswas in the Calcutta High Court against the Jute Controller (J. R. Walker) for having requisitioned jute goods due for shipment to U.S.A.;

(b) whether it is a fact that the Calcutta High Court delivered judgment on 30th August, 1950 against the Jute Controller, holding his requisition order illegal and passed severe structures on his conduct as Jute Controller;

(c) the action Government propose to take against the Jute Controller in view of the judicial pronouncement against him; and

(d) whether Government propose to appoint any other person as Jute Controller?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a), Yes.

(b) Yes, the judgment in question was passed on the 30th August 1950 and the hon. Judge made certain observations regarding the conduct of Mr. J. R. Walker as Jute Controller.

(c) The Jute Controller has been appointed by the States of West Bengal, Bihar, U.P. and Madras and

the question of taking action against him, if any, rests primarily with the State Governments concerned.

(d) The Government of India are not aware whether any such proposal is being considered by the State Governments.

Shri Kamath: Is it a fact, Sir, that the appeal filed by Mr. Walker against the judgment of the Calcutta High Court has also been dismissed?

Shri Karmarkar: I am not aware that an appeal had been filed and if so what had been decided in appeal.

Shri Kamath: It has been dismissed.

Mr. Speaker: That may be the hon. Member's information. The Minister has just stated that he has no information on the point.

Shri Kamath: Is it a fact, Sir, that in this particular case Mr. Walker directed the sale of the goods to himself instead of under the Act?

Mr. Speaker: Order, order. That is a matter which has been exhaustively dealt with in the judgment of the High Court. His appointment has been by the State Governments concerned.

Shri Kamath: Did the State Governments consult the Central Government before appointing the Jute Controller?

Shri Karmarkar: Yes, Sir. In this case we were consulted and we agreed to that appointment.

Shri Kamath: Have the State Governments reported to the Central Government the fact of this judgment against Mr. Walker?

Shri Karmarkar: The judgment has come to our notice.

Shri Kamath: Has the appellate judgment also come to the notice of Government?

Shri Karmarkar: As I said I am not aware that an appeal had been filed.

Srimati Benka Ray: Has the Central Government, after this case, given any advice or directive to the State Governments?

Shri Karmarkar: In respect of this case?

Srimati Benka Ray: Yes.

Shri Karmarkar: No, Sir.

Shri Raj Bahadur: May I know, Sir, whether the Central Government has got no say in regard to the

appointment or removal of this officer and if so what are the reasons which prevented them from advising his removal now?

Shri Karmarkar: That officer does not exist now on account of decontrol. In respect of his appointment, we had a say, of course.

Shri Joachim Alva: Were any complaints received about Mr. Walker by the Union Government before the Indo-Pakistan Pact was arrived at?

Shri Karmarkar: I cannot say.

Shri Kamath: What position does he hold in the jute set up now?

The Minister of Commerce and Industry (Shri Mahtab): Jute has been decontrolled. There is no proposal to have a Jute Controller.

COAL FOR SINDRI FERTILISER FACTORY

*2239. **Shri R. L. Malviya:** (a) Will the Minister of Works, Production and Supply be pleased to state the quality and quantity of coal which will annually be required for the Sindri Fertiliser Factory?

(b) What arrangement has been made for the supply of coal?

(c) Is it a fact that metallurgical coal is proposed to be used there instead of grade III coal, which the factory is capable of consuming?

(d) Is it also a fact that coal is proposed to be transported from far away places?

The Minister of Works, Production and Supply (Shri Gadgil): (a) The quality of coal is run of mine coal grade II size 6" with a tolerance of 2" and ash content not exceeding 18.6 per cent. and the quantity 2,88,000 tons per annum approximately, when the factory is in full production.

(b) The present requirements of coal are 300 tons per day and necessary allocation has been made by the Coal Commissioner. Increased supplies to the extent necessary will be arranged as and when required.

(c) No, Sir, but metallurgical Coal will be used in the initial stages. Grade II coal will be used after a proved method is established in the factory. The factory has however been designed to work on grade II coal. Schemes are being investigated for the direct gasification of low grade coals with a view to reducing the drain on India's resources of high grade metallurgical coke.

(d) No, Sir. The idea is to bring coal for the factory from collieries

situated within a few miles from Sindri.

Shri R. L. Malviya: Is it a fact, Sir, that the coal so far purchased by this factory has been transported from a long distance? May I know the collieries from which the coal has been purchased and the distance of the collieries?

Shri Gadgil: As I said, the arrangement is to purchase it from collieries which are not far away from the Factory.

Pandit Munishwar Datt Upadhyay: What are the most convenient coal-fields for the supply of coal to this factory, looking to quality required, availability of coal and the means of transport?

Shri Gadgil: That is covered by my reply to the original question.

Shri Jaani Ram: Will the factory require any quantity of washed coal?

Shri Gadgil: I am not an expert and so am not in a position to answer that question.

Shri R. L. Malviya: I have not got a reply to my question as to the coal which has already been supplied—what distance has it been transported?

Shri Gadgil: It is true that 1,15,000 tons of coal has been stocked in anticipation of production variation. As regards the source from which that is done, I would require notice.

GORAKHPUR LABOUR ORGANISATION

*2240. **Shri R. L. Malviya:** Will the Minister of Labour be pleased to state:

(a) the total number of Gorakhpur labourers, the number of their camps and their strength campwise and industrywise throughout the country;

(b) the system of recruitment of labour at Gorakhpur, collection and disbursement of their wages and arrangement for their boarding and lodging;

(c) the annual total cost of the administration of the Gorakhpur Labour Organisation throughout the country, and the cost per head;

(d) the contribution of the employers towards the cost of administration, if any;

(e) the scale of wages industrywise with special reference to coal industry;

(f) whether the wages to Gorakhpur labour were allowed according to various awards or was any different system adopted and if so, what it was; and

(g) the total unclaimed amounts of wages lying with the organisation?

The Minister of Labour (Shri Jagjivan Ram): (a) and (b). A statement is laid on the Table of the House. [See Appendix XV, annexure No. 30.]

(c) The total annual cost of the administration of the Gorakhpur Labour Organisation is about Rs. 3.5 lakhs and the average cost per head works out to Rs. 40 p.a. approximately.

(d) The entire cost of the administration is met by contribution from the employers.

(e) and (f). A statement is laid on the Table of the House. [See Appendix XV, annexure No. 31.]

(g) Rs. 9,733/4/10.

Shri R. L. Malviya: Is it a fact, Sir, that no trade unions exist in any of these Gorakhpur labour camps?

Shri Jagjivan Ram: These workers are recruited for a period of eleven months and it is doubtful if trade union activities will do any good to them or to the trade unions themselves.

Shri R. L. Malviya: Despite the fact that they are recruited for eleven months, is it not a fact that they come repeatedly and work for years together—for five, or six or even ten years?

Shri Jagjivan Ram: When they come again, there is no difficulty in getting themselves as members of trade unions. It is for the trade union workers to approach them and enrol them.

Shri R. L. Malviya: Is it a fact that these Gorakhpur labourers are kept in camps which are surrounded by walls or wires and they are not allowed to go out? The camps have one or two gates at the most which are guarded by chowkidars?

Shri Jagjivan Ram: It is not a fact, Sir. They, of course, are given sheltered accommodation, but they are allowed to go out. If the trade union workers want to work among them, I don't think there is any difficulty there.

Short Notice Questions and Answers

SCAVENGERS STRIKE IN KUTCH

Prof. K. T. Shah: (a) Will the Minister of States be pleased to state whether it is a fact that in the State of Kutch, there is going on a strike of scavengers (Bhangis) in the principal towns of that State, and, if so, what is the number of scavengers concerned, and of the population affected, by the strike?

(b) Since when has this strike started, how long has it been in dura-

tion, and how long ago was it notified?

(c) What are the demands of the strikers, and how have the authorities in Kutch dealt with those demands?

(d) Has any Order declaring the strike to be an Essential Service, been issued in the State, and what has been the consequence of that Order, in regard to the strikers?

(e) Have the Kutch authorities, or the Central Government, made any suggestions to deal with the strikers' demands?

(g) Have any arrests been made, or detention orders issued, with regard to persons involved in this strike, because of their part in the strike?

(f) Will Government be pleased to lay a statement on the Table of the House, giving comparative wages and dearness and other allowances to scavengers in the leading towns of the several Part 'C' States?

The Minister of States, Transport and Railways (Shri Gopalaswami):

(a) to (c). The Municipal sweepers in the towns of Bhuj, Mandvi, Mundra and Anjar in Kutch have gone on strike since 17th February 1951. The total number of sweepers concerned is 206 and the population of the towns affected by the strike is about 60,000. The only demand of the strikers is that the increased dearness allowance, which has been sanctioned by the Chief Commissioner from the 1st January, 1951, should be paid to them with retrospective effect from 1st April, 1950. The Chief Commissioner does not consider that this demand is justified and has employed temporary sweepers to keep the towns clean. The Kutch Advisory Council and the public have no sympathy with the strikers and are actively co-operating with the Government in running the essential services and maintaining the health of these towns.

(d) The Government of India have declared the Municipal sweepers in Kutch as an Essential Service in terms of the Essential Services (Maintenance) Ordinance, 1941 and have authorised the Chief Commissioner to issue directions under sub-section (1) of section 4 of the Ordinance in respect of persons employed as Municipal sweepers in Kutch. The Chief Commissioner has asked the sweepers not to leave Municipal employment or absent themselves from work. The leaders of the sweepers have been warned that unless they withdraw the strike, action under the Ordinance would be taken against them. The strikers have disobeyed the Chief Commissioner's orders and have been obstructing Government and the

temporary sweepers employed by Government in their work.

(e) The Kutch authorities and the Government of India consider that the strike is unjustified.

(f) No arrests have been made or detention orders issued for illegal strike. 10 persons were arrested for wrongfully obstructing the cleaning work by temporary employees and volunteers. One of the persons arrested is a worker by name Pravin Shah who was arrested on 5th March, 1951. Pravin Shah and 8 others have been released on bail and only one sweeper is in custody pending trial.

(g) The information is not readily available.

Prof. K. T. Shah: May I ask if these strikers have gone on strike individually by themselves or is there any union of theirs and if the union which has declared and continued the strike?

Shri Gopaldaswami: The only information I have is that they were induced to go on strike by a person who belongs to a well known party in the country.

Prof. K. T. Shah: May I enquire whether the salaries in the State for other public services were brought in line with the salaries of similar offices under the Central Government or the Chief Commissioners' Provinces and, if so, from what date?

Shri Gopaldaswami: I am afraid that does not arise out of this question which is confined to sweepers.

Prof. K. T. Shah: The last part of my question enquired about the corresponding salaries in other Chief Commissioners' Provinces and I was told that no information was easily available. Since the State merged and was taken over by the Central Government in August, 1948 can I know whether the salaries of other public servants have been brought into line with those under the Central Government and, if so, from what date? Can I not get that information?

Shri Gopaldaswami: There must have been a certain amount of readjustment of salaries, but for giving an accurate answer research is necessary.

Prof. K. T. Shah: May I know if any attempt has been made at mediation at all or is this reliance placed on declaring them as an Essential Service and regarding the strikers against that Essential Service to be offenders against the law?

Shri Gopaldaswami: There can be no question of mediation when both the Local Government and the Government of India consider that this strike was thoroughly unjustified. The public and the Advisory Council of the place hold the same view. And it would perhaps interest the hon. Member to know that the local Congress Committee has furnished volunteers to assist the administration in keeping the towns clean.

Shri Kesava Rao: May I know the minimum salary and other allowances given to sweepers in Kutch State and what is the amount asked for now as increased?

Shri Gopaldaswami: The pay ranges from Rs. 6 to Rs. 18. Rs. 14 dearness allowance was sanctioned for people getting more than Rs. 6 but less than Rs. 12, and Rs. 21 dearness allowance was sanctioned for persons getting more than Rs. 12 up to Rs. 18.

Shri Sonavane: May I know whether these striking sweepers belong to the scheduled castes and, if so, whether any other community is not coming forward to do this job?

Shri Gopaldaswami: I believe volunteers are not confined to the Bhangi class at all. They come from all ranks of society.

Shri Sonavane: But will this arrangement continue.....

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

Shri Kamath: Sir, may I with your permission substitute the past tense for the present in my Short Notice Question?

Mr. Speaker: He may do so.

VISIT TO DELHI OF THE ASSISTANT SECRETARY OF STATE OF THE UNITED STATES OF AMERICA.

Shri Kamath: Will the Prime Minister be pleased to state:

(a) whether it is a fact that the Assistant Secretary of State of the United States of America was recently in Delhi;

(b) whether it is a fact that meetings were arranged between him and representatives of Government;

(c) the nature and scope of the talks that took place; and

(d) whether any communication has been received from the Government of the United States of America in regard to the Food Aid proposals now before Congress?

The Prime Minister (Shri Jawaharlal Nehru): (a) to (c). The Assistant Secretary of State of the United States of America spent two or three days in Delhi on his way back from Colombo to America. In the course of his stay, he met some Ministers and officials of the Government of India. Such meetings normally take place when distinguished members or officials of foreign Governments pass through Delhi. These meetings were routine and informal meetings and no particular subjects were laid down for discussion.

(d) No communication has been received recently from the Government of the United States of America in regard to the food proposals now before Congress.

Shri Kamath: What on our side was the genesis of these food aid proposals before the American Congress? Was there any request from Government for this aid, and if so.....

Mr. Speaker: He is much beyond the scope of the question. The question is with reference to the visit of the Assistant Secretary and the talks he had. Therefore all the food negotiations, if there be any at all with the U.S. Government, cannot come in here.

Shri Kamath: Is there any truth in the press report that the Prime Minister told Mr. Norman Cousins, an American publicist who was recently here that he welcomed the suggestions made in the American Congress that a large quantity of wheat will be coming and we shall look forward to it?

Mr. Speaker: I am afraid I have to pass the same remarks. He is indirectly trying to enter into the food situation. It has nothing to do with the visit.

Shri Kamath: I will ask the last question because I think it will arise out of part (d) of the question. So far as this communication from the U.S. Government is concerned, is there any truth in the press reports that the Prime Minister mooted this subject first when he was last in America 18 months ago?

Mr. Speaker: Order, order.

WRITTEN ANSWERS TO QUESTIONS COFFEE

*2232. **Shri Alexander:** (a) Will the Minister of Commerce and Industry be pleased to state the total production in the main varieties of coffee seeds in the years 1948, 1949 and 1950 and also 359P.S.

the corresponding figures of home consumption?

(b) Is it a fact that the recent rise in price of coffee is due to export against the advice of the Coffee Board?

(c) What is the increase in acreage of coffee plantation in 1949 and 1950 compared to the two previous years?

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

(b) No, Sir.

(c) 1948-49.—2,195 acres.

1949-50.—3,569 acres.

STATEMENT

Production (The coffee crop year is from the 1st July of one year to the 30th June of the next year.)

Crop year	Arabica	Robusta	Total
1947-48	6,970 tons	8,830 tons	15,800 tons
1948-49	18,830 ..	3,470 ..	22,300 ..
1949-50	12,654 ..	7,707 ..	20,361 .. (Estimates only)

Consumption (for calendar years) The coffee crop of 1947-48 is ordinarily released from January, 1948 and so on.

Year	Arabica	Robusta	Total
1948	8,191 tons	8,517 tons	16,708 tons
1949	13,803 ..	3,753 ..	17,556 ..
1950	11,392 ..	5,866 ..	17,258 ..

COTTAGE INDUSTRY PRODUCTS

*2233. **Seth Govind Das:** Will the Minister of Rehabilitation be pleased to state:

(a) the number of marketing organisations started by Government for sale of cottage industry products; and

(b) the amount of subsidy which each State is giving for developing cottage industries by displaced persons?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) It is not the policy of the Ministry generally to set up separate marketing organisations. In Uttar Pradesh, Punjab, Madhya Bharat, Rajasthan, Madhya Pradesh, Bombay and some other States, marketing of the articles produced by displaced persons is done through the Marketing Organisations of the States. In Delhi, however, one

refugee handicraft shop has been set up for the sale of products of Women's Centres and of Co-operative Societies of displaced persons.

(b) Government is directly undertaking the organisation of Home and Cottage Industries and no independent organisations are being subsidized.

HOUSES FOR DISPLACED PERSONS

*2234. **Seth Govind Das:** Will the Minister of Rehabilitation be pleased to state:

(a) the total number of additional houses constructed by Government for displaced persons during the year 1950; and

(b) the loans given for the construction of houses?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) 42,006 houses have been constructed by Government during the year 1950.

(b) Rs. 2,29,63,431.

NON-FERROUS METALS FOR COTTAGE INDUSTRIES

*2235. **Seth Govind Das:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether some time back the Tariff Board recommended release of non-ferrous metals for Cottage Industry at concession rates;

(b) if so, what action was taken to implement this recommendation;

(c) if any release were made for Cottage Industries, what steps were taken to ensure that the materials were properly utilised by the Cottage Industry;

(d) whether it is a fact that complaints have been received by Government against the nature of distribution of these metals;

(e) if so, what investigations have been made by Government; and

(f) what was the result of such investigations?

The Minister of Commerce and Industry (Shri Mahtab): (a) Yes. Sir.

(b) The recommendation of the Tariff Board was accepted and after ascertaining the requirements of the various Cottage Industry units in consultation with the associations representing non-ferrous trade and industry and the local Directors of Industries, releases of non-ferrous metals in ingots and scrap were made at concessional rates.

(c) Specific instructions were issued to the Directors of Industries to keep a close watch over the allottees.

Copies of these instructions were also issued to the District Magistrates concerned.

(d) Yes, Sir.

(e) and (f). The main complaint was that the allottees had sold part of the quotas allotted to them at prices higher than those at which the material was released. Since the bulk of the allocation was made to Uttar Pradesh, the State Government was requested to investigate into these allegations. The report made by the State Government is being considered.

COAL TO PAKISTAN

*2241. **Shri Balmiki:** (a) Will the Minister of Works, Production and Supply be pleased to state the quantity of coal and derivatives of coal exported to Pakistan in 1950-51?

(b) What is the price per maund?

The Minister of Works, Production and Supply (Shri Gadgil): (a) The following quantities were exported to Pakistan during 1950-51, (up to 15th February 1951):

Coal.—16,950 tons.

Coal Tar.—1,807 tons.

Coal Tar Paint.—7,420 tons.

(b) Coal.—From Re. 1/4/9 to Re. 1/7/9 per maund pit-head.

Coal Tar.—Rs. 8/8/- per maund.

Coal Tar Paint.—Rs. 8 per maund.

INDIAN ESTATE WORKERS IN CEYLON (VOTING RIGHTS)

*2242. **Shri Rathnaswamy:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that a number of Indian Estate workers in Ceylon have lost voting rights;

(b) if so, how many of them have been deprived of franchise;

(c) whether it is a fact that the names of the Indian plantation workers in Ceylon were expunged from the Voters' list; and

(d) if so, whether it is the intention of the Government of India to move the Government of Ceylon in this regard?

The Deputy Minister of External Affairs (Dr. Keskar): (a) Yes.

(b) The exact number is not known though it is likely to be quite considerable.

(c) The names of such Indian plantation workers as have not been admitted to Ceylon Citizenship have been expunged from the Voters' list.

(d) No useful purpose will be served by taking up this question as the right of a Government to include only citizens as voters is obvious.

ENEMY FIRMS IN INDIA

*2243. **Shri Krishnanand Rai:** Will the Minister of Commerce and Industry be pleased to state:

(a) the names of the countries whose firms are treated as Enemy Firms in India;

(b) whether Government have recently vested the property of the Enemy Firms in a Custodian of Enemy Property; and

(c) if so, what are the capital assets and liabilities of these Enemy Firms in India?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) German, Italian and Japanese firms are treated as enemy firms in India.

(b) The assets of the enemy countries were vested in the Custodian of Enemy Property under the Defence of India Rules on the commencement of war with each country.

(c) A statement is laid on the Table of the House.

STATEMENT

The assets and liabilities of the enemy firms vested in the Custodian of Enemy Property.

	Assets (Rs. 000)	Liabilities (Rs. 000)
(i) German enemy firms	2,28.64	20.97
(ii) Italian enemy firms	15.76	15.88
(iii) Japanese enemy firms	2,73.64	2,24.17

No separate figures are available regarding the capital assets of the firms.

ARREST OF SWAMI JNANANANDA IN DACCA

*2244. **Shri S. M. Ghose:** (a) Will the Prime Minister be pleased to state whether Government are aware that Swami Jnanananda, an Indian citizen and resident of Behala, district 24 Parganas, West Bengal has been arrested while he was at Dacca to attend a school committee meeting and kept in custody at the Dacca Central Jail, East Pakistan?

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

The Deputy Minister of External Affairs (Dr. Keekar): (a) Yes.

(b) Our Deputy High Commissioner at Dacca has been in correspondence with the Government of East Bengal for Swami Jnanananda's release.

GOVERNMENT PRESSES

*2245. **Shri Deogirikar:** Will the Minister of Works, Production and Supply be pleased to state the total amount of work in rupees ordered by the Central Government and executed by private presses during the year 1950?

The Minister of Works, Production and Supply (Shri Gadgil) Rs. 21,63,638/12/5.

ENTRY OF INDIANS INTO HONGKONG

*2246. **Shri Krishnanand Rai:** Will the Prime Minister be pleased to state:

(a) what restrictions were imposed by the British Government on the entry of Indians into Hongkong during the last war;

(b) whether those restrictions still exist; and

(c) whether efforts have been made by Government in recent times for the removal of those restrictions and if so, with what results?

The Deputy Minister of External Affairs (Dr. Keekar): (a) No Indian civilian could enter Hongkong during or after the last war without the prior consent of the Military and Civil Administration of the Colony.

(b) Yes, Sir.

(c) Yes, Sir. But, as similar restrictions have been imposed by the Government of Hongkong on all aliens, the Government of India have dropped the matter for the time being.

IMPORT OF BOOKS

*2247. **Shri Shiv Charan Jai:** (a) Will the Minister of Commerce and Industry be pleased to state how many books were imported into India in the years 1948, 1949 and 1950 and what was their value?

(b) How many books were exported from India in the years 1948, 1949 and 1950 and what was their value?

(c) If the value of imports was greater than the value of exports, is it due to copyright of England applying to India even now?

(d) Are Government contemplating to amend the Indian Copyright Act of 1914 so that the English Copyright Act may not apply any more to India?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) and (b). A Statement is placed on the Table of the House. [See Appendix XV, annexure No. 32.]

(c) No, Sir.

(d) The question of amending the Indian Copyright Act, 1914 with a view to bringing it in line with the present set up of the country is engaging the attention of the Government.

तिब्बत में विनियोजित भारतीय पूंजी

*२२४८. श्री बी० एस० आर्या: क्या वाणिज्य तथा उद्योग मंत्री यह बतलाने की कृपा करेंगे कि:

(क) क्या सरकार ने तिब्बत में भारतीय व्यापारियों द्वारा व्यापार के सम्बन्ध में विनियोजित भारतीय पूंजी के संरक्षण के लिये तिब्बत सरकार से कोई समझौता किया है:

(ख) यदि किया है तो उस के मद और शर्तें क्या हैं; तथा

(ग) यदि नहीं किया है तो भारत सरकार इस सम्बन्ध में क्या उपाय कर रही है?

INDIAN CAPITAL INVESTED IN TIBET

[*2248. Shri B. S. Arya: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Government of India have entered into any agreement with the Government of Tibet for safeguarding the capital invested in Tibet by the Indian traders carrying on trade across the Tibetan border;

(b) if so, what are terms and conditions of the same; and

(c) if not, what steps are being taken by the Government of India in this connection?]

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) No, Sir.

(b) The question does not arise.

(c) None.

CLOSURE OF FACTORIES OF NON-MUSLIMS IN EAST PAKISTAN

*2249. Giani G. S. Musafir: Will the Prime Minister be pleased to state:

(a) whether it is a fact that some factories of non-Muslims in East Pakistan are closed for want of necessary facilities to their owners from the Government of Pakistan; and

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

The Deputy Minister of External Affairs (Dr. Keskar): (a) Yes.

(b) The matter has been under examination jointly by the Central Ministers of India and Pakistan. Recently they took a decision that before requisitioning and allotting such industrial concerns to persons other than their owners, the Government of East Bengal should first ascertain from the owners the facilities, if any, required by them for the proper running of the concerns and should, then make available all reasonable facilities.

SCHEDULED CASTE EMPLOYEES

*2250. Shrimati Velayudhan: Will the Minister of Works, Production and Supply be pleased to state:

(a) how many Class IV employees especially *Malis*, *Beldars*, etc. were retrenched from his ministry in the years 1950 and 1951;

(b) how many of them were from the Scheduled Castes;

(c) whether it is a fact that Scheduled Castes employees with longer period of service were retrenched while others much junior to them are retained in service;

(d) whether any of the retrenched Scheduled Castes employees were contributing to Provident Fund and if so, how many;

(e) whether they were permanent in service;

(f) whether provident fund has been paid to them and if not, the reasons for the same; and

(g) whether any consideration was taken to maintain the quota fixed for the Scheduled Castes in service before these employees were retrenched?

The Minister of Works, Production and Supply (Shri Gadgil): The information is being collected and will be laid on the Table of the House when ready.

NON-FERROUS METALS

*2251. **Shri Sivaprakasam:** Will the Minister of Commerce and Industry be pleased to state:

(a) India's requirements of non-ferrous metals at present;

(b) which are the countries that send the largest supply of these metals to India; and

(c) whether there is any price control on non-ferrous metals in India?

The Minister of Commerce and Industry (Shri Mahtab): (a) The country's annual requirements of the major non-ferrous metals in all forms are about 1½ lakh tons.

(b) U.S.A., Rhodesia, Belgium, Canada, Australia, Mexico, Malaya, the United Kingdom and Bolivia.

(c) No.

HANDLOOM FACTORIES IN BHOPAL

*2252. **Thakur Lal Singh:** (a) Will the Minister of Commerce and Industry be pleased to state what steps Government are taking to encourage handloom factories in the State of Bhopal?

(b) How many new handloom factories have been established there in the year 1949-50?

The Minister of Commerce and Industry (Shri Mahtab): (a) Government have taken steps to make improvements in the methods of production of handloom cloth, to provide latest models of handlooms and other implements to the handloom weavers and also give instructions to weavers in improved designs. They have also deputed selected weavers to Uttar Pradesh and Madras for training. A grant of Rs. 1,800 has been given from the Handloom Fund for this purpose.

(b) No new handloom factories have been established in Bhopal during 1949-50.

INVITATION TO MR. DAVID LILIENTHAL

*2253. **Shri Kamath:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that Mr. David Lilienthal has arrived in India;

(b) the nature of the advice or assistance that he has been requested to give;

(c) the probable duration of his stay in India; and

(d) the terms and conditions, if any, on which he has undertaken the work?

The Deputy Minister of External Affairs (Dr. Keskar): (a) to (d). Mr.

Lilienthal arrived in Delhi on February 15, 1951 and left for Japan on March 1. His visit was a private one.

Attention of the hon. Member is drawn to the answer given to Starred Question No. 1958 on 7th March, 1951.

CATERING IN PATAUDI HOUSE

*2254. **Shri Kamath:** Will the Minister of Works, Production and Supply be pleased to state:

(a) whether it is a fact that the House Committee of Pataudi House, New Delhi, recently unanimously recommended to Government that the contract of the caterer should be terminated on the ground that the food supplied by him was frequently unfit for human consumption;

(b) if so, whether the contract has been terminated or renewed, and, if renewed, the reasons therefor; and

(c) the name of the present catering contractor?

The Minister of Works, Production and Supply (Shri Gadgil): (a) and (b). The contract has been renewed. The House Committee did not make any recommendation in the matter. But certain residents passed a resolution recommending the termination of the contract at a meeting held in June 1950. At the time there were some disputes over payments to the caterer and the House Committee was divided and not functioning smoothly. Government, therefore, called a meeting in December, 1950 consisting of one representative each of the dining members, and non-dining members in the hutments and out of the residents of the main building of the hostel. This meeting recommended renewal of the agreement.

(c) Shri K. D. H. Framji.

INDIANS IN FIJI ISLANDS

*2255. **Shri Ansari:** (a) Will the Prime Minister be pleased to state what is the total number of Indians in Fiji islands at present?

(b) Is there any agency in the Fiji islands to look after their interests?

(c) What are the chief means of their livelihood?

The Deputy Minister of External Affairs (Dr. Keskar): (a) 133,941.

(b) There is an office of the Indian Commissioner at Fiji.

(c) Indians are engaged in almost every occupation in Fiji, but their chief occupation is agriculture. Two-thirds of the entire Indian population derive their livelihood from sugarcane plantations and the sugar industry.

DISPLACED PERSONS FROM EAST BENGAL

*2256. Shri S. M. Ghose: Will the Minister of Rehabilitation be pleased to state whether any preference is being given to the East Bengal displaced persons (i) in respect of employment, contracts and stall licences in Chittaranjan Locomotive Works, and (ii) in respect of recruitment to services under the Damodar Valley Corporation?

The Minister of State for Rehabilitation (Shri A. P. Jain): (i) In Chittaranjan Locomotive Workshop other things being equal, preference is given to East Bengal displaced persons in the matter of employment and stall licenses. As regards work contracts, the public tender system is in vogue but here too, due consideration is given to the claims of displaced persons for ancillary works like Dairy farming etc.

(ii) Other things being equal, preference is given to East Bengal displaced persons in the matter of recruitment to services under the Damodar Valley Corporation.

सावुन उद्योग

*२२५७ श्री आर० ऐस० तिवारी : (क)

बहिष्कृत तथा उद्योग मंत्री यह बतलाने की कृपा करेंगे कि क्या भारत में सावुन इतनी मात्रा में बनाया जा रहा है कि उस की विदेश से आयात करने की आवश्यकता न रहे ?

(ख) सरकार इस उद्योग को क्या सहायता दे रही है ?

SOAP INDUSTRY

[*2257. Shri K. S. Tewari: (a) Will the Minister of Commerce and Industry be pleased to state whether soap is being manufactured in India in such quantities as to obviate the need for its import from abroad?

(b) What help are Government giving to this industry?]

The Minister of Commerce and Industry (Shri Mahtab): (a) India is self-sufficient in so far as her requirements of soaps are concerned except that small quantities of special types of soaps, such as dental and medicated soaps have to be imported from abroad.

(b) Government are assisting the industry in procuring raw materials and chemicals, and also in importing modern machinery and equipment.

RUBBER PLANTS

*2258. Shri M. V. Rama Rao: Will the Minister of Works, Production and Supply be pleased to state:

(a) whether it is a fact that the Government of India purchased, at a cost of Rs. 30,00,000/- each, two Plants for reclaiming rubber from old tyres by the thermal process and placed them at the disposal of tyre manufacturers in India;

(b) whether it is a fact that these Plants have since been discarded by them and sold as Scrap by Government;

(c) whether it is a fact that Government propose to purchase the same Plants again from those to whom it was sold as Scrap;

(d) the prices for which these Plants were sold and the names of the persons who purchased them; and

(e) the name and designation of the officer who ordered the disposal?

The Minister of Works, Production and Supply (Shri Gadgil): (a) The Government of India purchased in 1943-44 two Plants for reclaiming rubber from old tyres by the thermal process, one at a cost of Rs. 9 lakhs approximately and the other at Rs. 8.31 lakhs approximately and placed them at the disposal of Dunlop Rubber Co. of India Ltd., Calcutta, and Firestone Rubber Co. of India Ltd., Bombay respectively.

The cost included the cost of the building and fixtures which the firms had to erect for installing the Plants.

(b) and (d). As these Plants were no longer required by the Government, one Plant was sold to Dunlop Rubber Co. of India Ltd., who had the first option on the Plant, at a negotiated price of Rs. 3 lakhs, after termination of the contract. As regards the other Plant, Firestone Rubber Co. of India Ltd., Bombay, who had also the first option on the Plant, did not want the entire Plant. This Plant will be sold in the best interests of the State.

(c) No, Sir.

(e) The sale of the Plant to Dunlop Rubber Co. of India Ltd., Calcutta was made by the Government of India.

INCREASE IN THE PRICE OF INDIAN RUBBER

*2259. Shri M. V. Rama Rao: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is not a fact that rubber growers and manufacturers arrived at an agreed increase in the

price of Indian rubber fixing it at Rs. 100/- per hundred pounds and reported their agreement to the Government of India in September, 1950;

(b) whether it is a fact that Government refused to consider the agreed increase in prices;

(c) whether it is a fact that the Price Advisory Committee, to whom this question was referred during 1951, met on 20th February, 1951 in Bombay and reported to Government the same day that the growers and manufacturers would not agree on an increase of Rs. 32/- per hundred pounds; and

(d) whether Government are awaiting the Report of the Tariff Board Inquiry into rubber costs for implementing even the *ad interim* increase of Rs. 32/- per hundred pounds decided upon on 7th January, 1951 at Madras?

The Minister of Commerce and Industry (Shri Mahtab): (a) Yes, Sir, it is a fact.

(b) Yes, Sir.

(c) The Committee could not come to any agreed conclusion. In the record minutes there was no mention of any increase of Rs. 32 per 100 lbs.

(d) No, Sir. Increased prices have been notified on the 7th March, 1951.

INDIAN RUBBER

*2260. **Shri M. V. Rama Rao:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that rubber was placed on O.G.L. at about the same time when the price of Indian rubber was fixed at Rs. 90/- per 100 lbs.;

(b) whether it is a fact that about 7,000 tons of rubber were purchased from Overseas markets, at prices averaging Rs. 1,445/- per ton as against Rs. 1,837/- per ton of Indian rubber during the year 1948-49; and

(c) whether it is a fact that Government took no action upon the representations of rubber growers during the years 1948, 1949 and 1950 that the manufacturers were not lifting rubber stocks and were resorting to selective buying?

The Minister of Commerce and Industry (Shri Mahtab): (a) Yes, Sir.

(b) Yes, Sir. About 7,000 tons of rubber was imported during 1948-49 at prices below the Indian controlled prices.

(c) No, Sir. Every time there was a complaint regarding accumulation of stocks, Government interfered and took suitable action.

PLANNING COMMISSION (MR. A. D. GORWALA)

*2261. **Shri Kanamwar:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that the Planning Commission has invited Mr. A. D. Gorwala to undertake on its behalf a study of public administration both in the Government of India and in the States; and

(b) if so, when Mr. A. D. Gorwala is expected to complete the enquiry in order to place it before the Planning Commission?

The Prime Minister (Shri Jawaharlal Nehru): (a) Yes. Mr. Gorwala has been invited to suggest measures for improvement in public administration from the point of view of implementation of development programmes.

(b) In two or three months.

CONSUL-GENERAL FOR INDIA IN DENMARK

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

(a) whether it is a fact that Consul-General for India in Denmark is a Danish citizen; and

(b) the reasons for appointing a foreigner to such a post?

The Deputy Minister of External Affairs (Dr. Keskar): (a) and (b). Mr. Victor B. Strand, a Danish citizen, has been appointed as Honorary Consul-General for India in Copenhagen. The development of trade between India and Denmark was being hampered by the absence of a trade officer in Copenhagen. No suitable Indian was available in Copenhagen for appointment as an Honorary Consul General; and the likely amount of work there would not have justified the expense of posting an Indian officer there for the purpose.

Mr. Strand is a leading Danish business man and Vice-Chairman of the Indo-Danish Society. Apart from this, he has always been helpful to Indian students and visitors to Denmark. It is a prevalent diplomatic usage to utilise where necessary the services of friendly businessmen as honorary Consuls.

Thursday, 15th March, 1951



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME IX, 1951

(5th March, 1951 to 30th March, 1951)

Third Session

of the

PARLIAMENT OF INDIA

1950-51



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

4604

PARLIAMENT OF INDIA

Thursday, 15th March, 1951

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

[MR. SPEAKER in the Chair].

QUESTIONS AND ANSWERS

(See Part I)

11-56 A.M.

**RULING RE SUPPLEMENTARY
QUESTIONS ON STATEMENTS
MADE BY MINISTERS IN ANSWER
TO QUESTIONS**

Mr. Speaker: On 12th March 1951, Dr. Deshmukh raised a point when the Chair did not allow supplementaries. He said: "I can understand that if hon. Minister or the Prime Minister makes a statement *suo motu*, then it may not be open for Members to ask supplementaries." And then he urged that when statements were made in reply to questions by Members, there should be no difference between categorical replies to each part of a question and a statement made as a consolidated reply to the whole question.

His plea is based upon an incomplete or inaccurate appreciation of the purpose of supplementaries. It may be seen that the right which a Member has to put supplementaries, is not an absolute one. A Member may put a question, only when called by the Speaker; and in fact, this practice is followed every day during the Question Hour. The point to be remembered is that the question is to be asked for the purpose of further elucidating any matter of fact, regarding which an answer is given. This means that, supplementaries relate to the specific matter in respect of which a question is put. In cases where a request is made substantially for a statement on or regarding any
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situation or matter, there would be hardly any supplementaries when a statement is made pursuant to the request for a statement.

But this reasoning may appear perhaps a bit too technical. There is, however, a very cogent and practical aspect of the question. In cases where a long and elaborate statement, covering some pages is made, it is, by the very nature of things, impossible to allow an exhaustive number of supplementaries and satisfy every intending questioner. It would be agreed that it cannot be possible to allow a number of supplementaries to every one who wishes to put them, unless one treats the answer practically as a basis for a debate. This is obviously impossible in the interest of expeditious disposal of business and fairly equal opportunities to the various Members. Further, more often than not, such statements give information which does not consist of mere bundles of facts but is mixed with questions of policy, opinions and sometimes questions of expediency also. The subject matter of such statements, when important, is more suitable for a debate, than for elucidation of information by questions and answers, within a reasonable time.

Further, supplementaries are expected to be put on a full grasp of the information given. In the case of long statements, it is too much to expect that all Members will be able to comprehend all the implications of the various facts just when the statement is read to them.

It is, therefore, necessary that they should first have an opportunity of reading and digesting the contents of the statement, to comprehend the full implications; and then they may put such questions as they like, in due course. It may be noted that not to allow supplementaries does not mean depriving a Member of an opportunity to put questions on the statement. The only difference, and a very important one, of course, is that the

[Mr. Speaker]

questions will be put, not immediately on the reading of the statement but after some time and a full and close study of the statement made.

It will thus be clear that it depends upon the nature of request for a statement, the length, as also upon the contents of a statement, read by a Minister in reply to a question.

12 Noon.

On a previous occasion in 1947, during the days of the late Central Assembly, as also in March 1948 during the days when the Constituent Assembly of India was functioning as the Legislature, the same practice was followed and supplementaries were not permitted. I then expressed myself as under:

"Questions, if at all they are deemed necessary, may be framed on what has been stated in the statement and they may be dealt with later on."

But it will not perhaps be sufficient for me to quote my own authority. I shall state the practice that prevails in the House of Commons. There they permit, it appears, very few supplementaries but not as many as Members here wish. On 27th January 1945, in reply to a question, the Chancellor of the Exchequer made a statement. When the Speaker found more Members anxious to put supplementaries, he ruled as follows:

"Would it not be better to study the statement of the Chancellor of the Exchequer before asking further questions about it."

To my mind, there is no difference in allowing a couple of supplementaries and disallowing others on the one hand and in deferring all questions on the other on the ground that the statement requires study. From the point of giving equal opportunities to every Member who wishes to put a question, as also for saving time more likely to be spent in supplementaries on a mere hearing of a statement, it is not only desirable but necessary that the important right to put questions should be exercised after a careful study or understanding of the statement given and therefore, the practice hitherto followed does not appear to require any change.

Pandit Kusru (Uttar Pradesh): With regard to the opinion expressed by the Speaker of the House of Commons to which you have referred, the Speaker there did not question the right of any Member to put supple-

mentary questions. He only advised those Members to wait and study the statement in order to be in a better position to ask for further information. But here the position of the Chair seems to be to question the right of a Member to put any supplementary questions after a statement has been made by a Minister

Mr. Speaker: I do not think the hon. Member has properly appreciated what I have stated. The ruling of the Speaker of the House of Commons is given in a slightly different form, but the point is very clear, though he said in the form of a suggestion or request. Suppose I say: "Will not the hon. Member take his seat?" It may be in the form of a request, but practically it comes to a direction that the hon. Member will take his seat. So we are not to interpret the language in that form. However, as I have explained, it is not a case of all of depriving any Member of any right of putting questions. All that I would say by way of advice or ruling is that unless the statement is fully grasped, it is no use taking up the time of the House in putting questions on the spur of the moment. The other difficulty which I pointed out, is, if one or two supplementaries are to be permitted to one Member, then, what about others who wish to put a large number of supplementaries on an important statement?

Therefore, on a balance of convenience, the better course is not to put questions immediately after a statement is made by an hon. Minister, or a long statement is made, but to study it and then put any number of questions. That is the balance of convenience and that is the practice which I have been following. There is no desire at all on my part to deprive any Member of any opportunity; he may put in any number of questions.

PAPER LAID ON THE TABLE

STATEMENT re MEETINGS OF STANDING COMMITTEES

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table a statement showing the meetings of the Standing Committees attached to various Ministries, and subjects discussed at such meetings, during the year 1950-51. [See Appendix XVII].

APPROPRIATION (VOTE ON ACCOUNT) BILL.

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

“That the Bill to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of the year beginning on the 1st day of April, 1951, be taken into consideration.”

Shri Sidhva (Madhya Pradesh): Sir,...

Mr. Speaker: Does the hon. Member want to say anything?

Shri Sidhva: Yes. I believe the Bill is open for discussion.

Mr. Speaker: Yes, but it was agreed.....

Shri Sidhva: Vote on Account was agreed.

Mr. Speaker: I have made it very clear about the Appropriation Bill also.

Shri Sidhva: I have re-read your speech, Sir. It refers only to Vote on Account. I have no objection now; but I want to make it clear...

Mr. Speaker: I may tell the hon. Member that in my first statement I did not include this. But, subsequently, questions were put to me and I had made it very clear. This is what I had stated. I am quoting from the debate of the 12th, March:

“Hon. Members may also remember that the Vote on Account will be followed by the Appropriation Bill and the Government will not be able to draw from the Consolidated Fund any amount at its will.”

Then, Mr. Kamath put the question: “Is that also formal”. My reply was specifically:

“Yes, and I believe in the House of Commons they vote for three or four months supply.”

That is the whole gist of the discussion.

Shri Sidhva: I do not want to come in the way of the present arrangement that has been arrived at. But, we must have specific rules on the point.

Mr. Speaker: We will see to it.

The question is:

“That the Bill to provide for the withdrawal of certain sums from and out of the Consolidated

Fund of India for the service of the year beginning on the 1st day of April, 1951, be taken into consideration.”

The motion was adopted.

Clauses 1 to 3 and the Schedule were added to the Bill.

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

Shri C. D. Deshmukh: I beg to move:

“That the Bill be passed.”

Mr. Speaker: The question is:

“That the Bill be passed.”

The motion was adopted.

DEMAND FOR SUPPLEMENTARY GRANT FOR 1950-51—RAILWAYS

DEMAND NO. 7—ORDINARY WORKING EXPENSES—OPERATION (FUEL)

Mr. Speaker: Motion is:

“That a supplementary sum not exceeding Rs. 30,00,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1951, in respect of ‘Ordinary Working Expenses—Operation (Fuel)’.”

The Minister of State, Transport and Railways (Shri Gopalaswami): I do not think I need say anything about this. This was held over during the debate on Supplementary Demands on a previous occasion and I undertook to bring this Supplementary Demand forward at a later sitting, so that the House may obtain all the information that it desires on this question.

Shri Sidhva (Madhya Pradesh): You may remember, Sir, at your instance particularly, this item was held over last time when the Supplementary Demands were moved by the hon. Minister of Railways. Very cogent reasons were given; I and several hon. Members took part in the debate. You emphatically stated that the House is not expected to vote payments unless sufficient explanation in regard to this sum is given to the House. After discussion, the hon. Minister agreed that he was prepared to withdraw this sum of Rs. 30 lakhs from the Demands and that he would bring in another motion and give detailed information. Now, a motion

[Shri Sidhva]

for a Supplementary Demand has been made. Thirty lakhs have already been sanctioned; 13 lakhs first and 18 lakhs in the last session, making a total of 30 lakhs.....

Mr. Speaker: May I advise the hon. Member to follow a slightly different course? So far as I remember, it was agreed to put off this matter, because the hon. Minister in charge was not able to give the House exact details of the Demand. I would therefore suggest that, if it is possible for the hon. Minister, he may give the explanation which the House wanted then, so that it would be easier for the House to discuss that proposition. I think that would be a better course.

Shri Gopaldaswami: May I say, Sir, that the difficulty on the last occasion arose out of the fact that although the Minister of Railways submitted the Supplementary Demand, the actual administration of Railway collieries was in the hands of my hon. colleague, the Minister of Works, Production and Supply. He has very kindly consented to be present during this debate and give all the information that the House may require.

Mr. Speaker: Let us hear the hon. Minister of Works, Production and Supply, first.

The Minister of Works, Production and Supply (Shri Gadgil): I propose to give the facts in connection with the Railway Collieries so that the House may be able to judge correctly the exact position with respect to the present Demand.

There are eleven collieries owned by the Railway Board which were, until the reshuffle of the Ministries, managed by the old I. & S. Ministry. The management of these collieries has now been transferred to the Ministry of Works, Production and Supply. These collieries are situated, four in Bihar, known as the Kargali group, (Bokaro, Kargali, Jarangdih and Sawang). The average monthly output in tons is 1,52,000. Then, there is the Giridih Group which consists of two collieries, Serampore and Kurharbaree, whose monthly output is 32,000 tons. Then there are the Bhurkunda and Argada collieries whose monthly output is 11,500 and 8,500 tons respectively. Then, in Orissa, we have the Talcher colliery whose monthly output is 11,000 tons and Durlbera collieries whose monthly output is 6,000 tons. The third province in which the Railways own collieries is Madhya Pradesh (former Oriya State). The name of the

colliery is Kurasia, with a monthly output of 20,500 tons.

The management of these collieries was entrusted to the old I. & S. Ministry under the orders of the Governor-General in June 1944 when control on coal was introduced from 1st June 1944 and that Ministry was made responsible for exercising such control. As a result of this arrangement, the Chief Mining Engineer of the Railway Board, who is in immediate administrative charge of these collieries, and the entire staff of the Railway collieries, both gazetted and non-gazetted were placed under the control of the Coal Commissioner. The expenditure on the Chief Mining Engineer's Office in Calcutta is debited to the Budget of the Ministry in charge of management of the collieries, up till now I. & S., and now Works, Production and Supply. But, the receipts and expenditure of the collieries are booked under Capital Suspense and Profit or Loss Account made up for each colliery, the net profit or loss being transferred to the Working Expenses Account of the Railway owning the colliery. That is the reason why the Demand was included in the Demands of the Railway Ministry.

There is no doubt that additional loss has been incurred over and above what is stated in the note in the proceedings of the Standing Finance Committee for Railways. There are a number of reasons and it is not possible to go into the details of each of them. But I want the House to get a fair idea of each item that is responsible for the loss.

First of all, no concern, as we all know, can go on unless from time to time some more capital is injected in, for the purpose of developing it. But due to the financial stringency, a number of development plans have been held in abeyance and the Railway Board were not in a position to sanction additional funds for such development. The details of them all, of course, I am prepared to give. In certain cases there was the necessity for electrification and that was not possible. In certain other cases there was the necessity to have better haulage system and that too was not possible.

The second item is the working expenses. The basic wages and the dearness allowance admissible to colliery labour were considerably increased by the conciliation board's award of May, 1947 and the increase was to the extent of 50 per cent. in the basic wages and as much as 15 per cent.

in the dearness allowances. Over and above this, pension and provident fund schemes were also introduced based on attendance of labour and these had no relation to production. Many of the labourers were brought on the monthly scales of pay following the recommendations of the Central Pay Commission of which I may plead I was one of the members.

Then the third item is the loss on grain shops. In the railway collieries a large number of commodities were allowed to labour on concessional rates. For private collieries only rice, wheat and dal are supplied at concessional rates. As regards rice supplied to railway collieries, we charge Rs. 6/4/- per maund while in the private collieries only next door rice is sold at Rs. 14 per maund. The extra loss to these additional concessions is about Rs. 20 lakhs per annum. From the 1st of August, 1950, the scale of supply of these commodities was brought on the same lines as the other collieries following the recommendations made by the Railway Collieries Enquiry Committee. But the labour have not accepted the change and the dispute is now before the Industrial Tribunal.

I might elaborate these figures so that the House may have a better idea of the loss. In the year 1945-1946, the loss on grain-shops was Rs. 36,08,344, for the year 1946-1947, it is Rs. 49,24,643, for the year 1947-1948 it is Rs. 78,05,463, for the year 1948-1949 it is Rs. 74,70,755 and for the year 1949-1950 it is Rs. 77,35,472. These figures will give some idea to hon. Members how the cost has been rising and from this, unless we take a serious decision and implement it there is no escape.

Apart from this, there is the problem of surplus labour. There are about four thousand to five thousand surplus labour in railway collieries, and each extra labourer costs as much as Rs. 1,000 per year. Retrenchment of surplus labour is difficult because of the attitude of labour unions and this labour does not ordinarily accept alternative employment. The labour strength in railway collieries has also doubled during the last ten years while the output has remained more or less the same. I propose to give hon. Members some idea as to the increase in the number of labourers and how it has not resulted in any increase of output. The House will please bear with me because I want to give some details.

In Kargali collieries the number of employees in 1939 was 5,918 and the output was 6,61,352 tons. In 1948,

the number of employees had increased to 11,183 but the output has decreased and is now only 6,06,518 tons. Take another colliery—the Bokaro colliery. There the number employed in 1939 was 4,933 and the output was 10,30,622 tons. The number employed in 1948 is 9,157 and the output is 10,90,217 tons just an increase of only 60,000 and no more. Then I take the Khurmabaree collieries where the number employed in 1939 was 3,117 and the output was 3,41,671 tons. The number of employees increased to 3,769 in 1948 and the production has actually gone down and is only 2,26,351. In the Serampore colliery, in 1939 the number employed was 2,902 and the output was 3,04,705. The number increased to 3,753 in 1948 but the output has gone down to 2,19,632 tons. Then take the Bhurkunda colliery. The number employed in this colliery in 1939 was 1,106 and the output.

Shri A. C. Guha (West Bengal): Output for which year is the hon. Minister giving?

Shri Gadgil: For both the years, 1939 and 1948. As I said the output for 1939 was 1,68,086 tons. The number employed in 1948 is 2,056 and the output is 1,15,141 tons.

Now, it will be seen that in most of the cases the number of employees has increased so much and one would naturally expect at least a corresponding or fair increase in the output. But that has not been the case.

Apart from this increase in the number employed, there is also want of balance between the labourers themselves, between those who work on the surface and those who work, inside the mines, I mean between those who work underground and raise the coal and those who work on the surface and load the wagons. There are at present more unproductive surface workers than those underground and if the position is rationalised the effect of it will be retrenchment of unnecessary labour so that production cost could be brought down. And as I have stated, we are asked to provide for alternative employment just as we are asked for alternative accommodation when we ask people to shift from one place to another; and these labourers do not want to accept any other alternative employment either. Every year more people are attracted because of the concessions. Once you are in it even if it be only for a day or two, you are entitled to all the concessions as you are included in the general category of colliery labour.

[Shri Gadgil]

There is reduction of output also due to the abolition of the contract system. Out of these collieries some three were worked on the contract system and that is abolished now. Now all are worked departmentally.

Shri Sidhva: Abolished since when?

Shri Gadgil: Since 1945-1946. Under the contract system the payment was made to the contractor at an agreed rate per ton. But under the present system of working the collieries labour has to be paid its full wages irrespective of the output.

Shri A. C. Guha: What were the rates under the contract system?

Shri Gadgil: I cannot tell you off-hand but it was certainly less than what we paid to the labourer per ton.

Shri A. C. Guha: I think it was much less.

Shri Gadgil: Apart from these causes which are continuing, there was one extra cause. That was the strike in the colliery. The revision of foodgrain concessions in August 1950 brought about strikes in some of the collieries and it has resulted in a loss of 1½ lakh tons of coal.

[MR. DEPUTY-SPEAKER in the Chair]

These are the main items but there is one item which ought not to have been put under the category of working expenses because it is such an item which could justifiably have been put under the head capital suspension account. The item is removal of over-burden by the Indian Mining and Construction Company. During 1950-51 approximately 6,30,000 c.ft. of over-burden were removed by the Indian Mining and Construction Company. This expenditure was previously debited to a Suspense Head but is now being charged to working expenses under instructions from the Railway Board. No coal has however been extracted from the stripped over-burden, though this will bring in additional revenue in subsequent years. (*An Hon. Member:* What was the expenditure?) I am not able to give it just now. All I can say is that it was considerable.

The main point is whether it should be debited to the working cost category or debited to the capital suspension account. If included in the working cost naturally it has gone to show that the working cost has been greater and to that extent the loss has been greater.

There is also another cause. Because there was not adequate supply of wagons...

Shri Khandubhai Desai (Bombay): Is it not common to all the mines?

Shri Gadgil: That is so. At the same time it is a cause all right.

Shri Khandubhai Desai: Other mines must also have made losses.

Shri Gadgil: In respect of the other mines the other causes were not there. That is the position.

The House would naturally ask what about the future? There was the Railway Colliery Enquiry Committee, which has made certain recommendations. When we tried to implement one of them there was a strike in August 1950 resulting in a loss of 1½ lakh tons of coal output. However, it is proposed that with better control, putting more capital which is necessary for the immediate development, with the retrenchment of surplus labour, wherein I seek the cooperation of my hon. friend Mr. Khandubhai Desai...

Shri Khandubhai Desai: It will be forthcoming if the other side conducts itself properly.

Shri Gadgil: We will exchange places. If that is the highwater mark of cooperation I am quite prepared to do it. If labour insists that attendance bonus must be paid the moment labour is there on the surface or inside the pit, irrespective of the work done, I do not think any Government undertaking will ever succeed.

Shri Sondhi (Punjab): You are doomed.

Shri Gadgil: This is indeed the major question: to what extent should we allow things to drift in such a manner that labour ultimately becomes a privileged class?

Shri Sondhi: A new royal family!

Shri Gadgil: I would not say a new royal family. This is really a point not limited to this industry alone which is undertaken by Government and this is a question which this House will have to decide once for all. You do not want to make Government servants a privileged class (*Babu Ramnarayan Singh:* It is already so.) You do not want to make labour a privileged class. Whatever emoluments you may actually

fix with respect to the services of those already in the Government must bear a fair relation to the standard of life in the country. Similarly if you insist on that dictum and insist that that formula should govern, it is only fair and equitable that that formula ought to govern in the industrial field also. As a necessary implication of that you can put a limitation on dividends, tax profits, if feasible, according to the ingenuity of the Finance Minister. If you want that there should be social justice and equity, you cannot on the one hand confer privileges or show some sort of preference to one sector—whether capital or labour—and deny them to another. Let burden and benefits be spread all over the country, over all sections of society. It is therefore proposed to have more rationalisation of the labour force and as I said, some balance will have to be struck between those who work above and those who work below the surface, so that whatever is produced may be easily loaded and transported. But we cannot make Railway Collieries, so to say, an institution of outdoor relief for all those who stay in the vicinity. If you look at it from this point of view that it is practically outdoor relief, then it is much better to close down all the mines or hand them over to whosoever the Government or the House would like to. So it is now proposed that labour should be paid on daily rate of wages and not on the system recommended by the Central Pay Commission, namely, that they become for all practical purposes salaried people with provident fund and other advantages. This does not mean that there is any lack of sympathy on our part, at any rate on my part. But if you charge the Government with the task of conducting this or any other undertaking with a complete regard for and in compliance with principles of business management, then the House ought to support the Ministry when it takes such steps as will carry out the main object.

Then with respect to the supply of wagons; that also will be taken on hand and in coordination and co-operation with the Railway Ministry additional wagons will be supplied.

These are the facts. I am sorry that last time when this matter was before the House there was a great deal of confusion. But I have now given a fair idea of the present working and why it is that it has resulted

in loss. I have also given some indication as to what is proposed to be done in future.

Shri T. N. Singh (Uttar Pradesh): Sir, one question. The hon. Minister mentioned a sum of over 77 lakhs for increase on D.A. of the workers. I want to know whether this is a loss as he put it. What is the comparative increase in D.A. as compared with the D.A. paid elsewhere? What is the extra cost incurred by the management of the collieries on D.A.?

Shri Gadgil: I will answer all the questions later on.

Shri Sidhva: Sir,.....

Mr. Deputy-Speaker: Mr. Gokulbhai Bhatt.

Shri Sidhva: Sir, I was speaking...

Mr. Deputy-Speaker: I shall call him later. Mr. Bhatt has informed me that he intends moving that this matter may be taken up two days later so that hon. Members may have an opportunity of studying it. Let us hear him.

श्री भट्ट : माननीय उपाध्यक्ष जी, आप ने मेरी बात बतला दी है, और उस का कारण मैं बतलाना चाहता हूँ कि अभी हमें जो कुछ सवाल पूछने हैं अपनी जानकारी के लिये वह हम माननीय मंत्री जी से पूछ लें और वह हमें उन की जानकारी आज दें, अभी दें, या तो कल दें और जो उन्होंने हमारे सामने स्टेटमेंट रखा है, वह पूरा पूरा स्टेटमेंट, उस में जो कुछ ज्यादा बढ़ाना हो, वह सब बढ़ा कर हमारे सामने रखे, क्योंकि यह सवाल बहुत ही जरूरी है और अहम सवाल हो गया है। इस में कई नुक्स हैं और इन सब बातों को हमें देखना होगा, गौर से देखना होगा और उस के बाद ही इस की चर्चा करना ठीक रहेगा।

दूसरी बात यह है कि रेलवे कोलिरीज कमेटी (Railway Collieries Committee) ने जो रिपोर्ट पेश की है, उस

[श्री भट्ट]

की न तो नकल हमें यहां लाइब्रेरी में मिलती है और उस के लिए मैंने कई दफा रेलवे बोर्ड को भी कहा स्टैंडिंग फ़ाइनेन्स कमेटी (Standing Finance Committee)] में कृपा करके उस का जो मैटीरियल (material) हो, वह रख दीजिये, लेकिन वहां से भी यह चीज नहीं मिल पाई है। मैं सरकार से आशा करता हूं कि रेलवे कोलिरिज कमेटी की रिपोर्ट उस की रिक मेनडेशन (Recommendations) और उन पर मिनिस्ट्री ने अपनी ओर से जो कार्य करने का निश्चय किया है, वह सारी चीजें हमारे सामने आनी चाहियें और इन सब जानकारी को अपने सामने रखने के बाद ही इस चीज की अच्छी तरह से छानबीन कर सकेंगे और जो डिमांड (Demand) रखी गयी है, उस के ऊपर हम भी सोचेंगे और पुष्ता सकेंगे कि यह रेलवे कोलिरिज वर्क्स, प्रोडक्शन एंड प.वर मिनिस्ट्री (Works, Production and Power Ministry) के पास रहे, या रेलवे मिनिस्ट्री (Railway Ministry) के पास रहे, इन सब चीजों को देखना होगा।

Shri Sidhva: He is going into the merits of the case, Sir.

Mr. Deputy-Speaker: He is not going into merits.

श्री भट्ट: तो मैं यह कहना चाहता हूं कि रेलवे की तरफ से फाइनेन्स की क्या कमी रही, इसकी वजह से क्या क्या हुआ, क्या नुकसान हुआ। इन कोलिरिज में से कितनी इकोनामिक (economic) हैं और आठ अनइकोनामिक (uneconomic) क्यों हैं। इस में सब सवाल ऐसे आ गये हैं जिससे मेरी प्रार्थना है आप से और सारे हाउस से

कि इस सवाल को दो दिन, या तीन दिन के बाद लिया जाये।

(English translation of the above Speech)

Shri Bhatt (Bombay): Sir, you have given expression to what I wanted to submit. The reason why I am suggesting this is that we will have time to put as many questions as we like to the hon. Minister and he may supply all this information today or tomorrow and he may also put the complete statement before us after making all necessary additions etc. therein because the question is an urgent one and has assumed a great importance. There are many defects in it and we will have to consider it all over very carefully. Only then, it will be proper to take up the matters.

Another point is that we are not getting a copy of the Report submitted by the Railway Collieries Committee. It is not available in the Library here and I have many times requested the Railway Board to put its material before the Standing Finance Committee, but it could not be had from that place also. I hope that the Government would place before us the Report of the Railway Collieries Committee with its recommendations and the decisions of action to be taken by the Ministry. We will be able to discuss the whole question thoroughly only after this information is supplied to us and only then we can consider the demand put forward and suggest whether these collieries should be under the Ministry of Works, Production and Power or under the Ministry of Railways.

Shri Sidhva: He is going into the merits of the case, Sir.

Mr. Deputy-Speaker: He is not going into merits.

Shri Bhatt: I only want to know the extent to which Railways are responsible for the lack of finances, what were the results and losses on that account; how many of these collieries are economic and why only eight are uneconomic. So these are all such questions that I would request you, Sir, and the House to take up the matter two or three days later.

Shri Khandubhai Desai: I would support the point made by Mr.

Gokulbhai Bhatt, but I would require further information so that we may be able to discuss this whole question very thoroughly. Because after the statement made by the hon. Minister, more confusion has been created. It was quite a good lawyer's case of trying to prove something against labour while keeping back other facts. I would like to have before this Parliament the complete commercial balance sheets of the last seven years so that we may be able to know exactly how these losses have been incurred. We would also like to know whether amount of Rs. 3-8-0 per ton which the Railways are paying in addition to the normal fair price of coal has been included while arriving at these loss figures and whether even after including that amount the loss comes to Rs. 60 lakhs. If it is so the losses would further rise and more satisfactory explanation would be necessary than presented to us by the hon. Minister. We would like to go very thoroughly into the working of these mines. For a proper appraisal to be made we will have to have additional information. Everybody in the House, belonging to every section will be prepared to co-operate provided the entire administration of these coal mines is properly looked into. We want this additional information so that we may not give our vote or decision peremptorily only on the one sided statement made by the hon. Minister of Works, Production and Supply, which as I said has created more confusion than existed ten days back.

Shri Sidhva: I wanted to say a few words in support of the adjournment of the discussion on this subject. It is true that more information is necessary on this matter. The Minister has given us a one-sided picture. He has given us alarming figures of increased number of labourers and a lower amount of production. He has not told us how many days were lost in strikes, he has not given us a comparative statement of private collieries and how much a private colliery would produce with a similar number of labourers. He probably wanted to make out a good case, but from what I have seen from his statement, his case has turned out to be a bad one. He has presented only a one-sided picture and in fairness to this House I would say that he must realise that these collieries are not a private concern but a State concern and that he must be anxious to see that where any deficiency or fault exists it is removed immediately. This portfolio of Production has been taken over by him only recently. He must not be frightened that his Ministry

will be put to shame. Why should he fear? Even if his Ministry had handled this subject for a number of years and had committed this mistake there is nothing wrong in coming out with facts. After all for a number of years we have been clamouring in this House and in the Standing Advisory Committee for Railways that the Railways should take over these collieries. The present is a very good opportunity to discuss the matter. By refusing the Demand on the last occasion we are now having an opportunity to discuss it, and the Minister has now come forward with the statement that it is only by curtailment of labour that you will solve the problem. I do not think so. I have got figures here to show that you are...

Prof. Ranga (Madras): You are going into the merits now.

Shri Sidhva: No, I am not. It is surprising that this big Ministry was not able to run this small concern profitably. Therefore, we should have sufficient material to go by in coming to a decision. I do not know whether the hon. Minister will improve his position by postponing discussion, but if he guarantees us that he is going to supply us all the information fairly, squarely—both sides of the case, and not sticking only to what his Ministry has done, or saying that his Ministry was not responsible, the I. & S. Ministry was responsible, whereupon Mr. Mahtab will stand up and say, "I have done very well. It is not my fault",—well, if he is prepared to supply us with all the information, then I am prepared to agree to the adjournment. From what we know there is something radically wrong with these collieries which requires immediate remedying in the interest of the tax-payer whose money, as I was telling the Finance Minister, you are not able to control from leakage. Now this is a leakage which has come to our notice. Very rarely such leakages come to our notice. Any way, in the present case I will not come in the way of my hon. friend Mr. Bhatt or Mr. Khandubhai provided of course the Minister is in a position to say that he is going to place all the facts before us. But if merely says, "These are my figures, what are your points?", then I am not in favour of postponement of discussion.

Shri Khandubhai Desai: Sir, we are prepared to give some more time to the hon. Minister if he feels that he would require some time to place all the facts before us. But he must place all the

[Shri Khandubhai Desai]

information with regard to these collieries before this House so as to enable hon. Members to come to a fair decision. Also, this financial leakage has been going on for the last seven years. In my opinion, the Finance Ministry also should have looked into the matter—it has also failed in its duty in the matter.

Shri A. C. Guha: I support the point of Shri Gokulbhai Bhatt. The statement made by the hon. Minister has not removed the misgivings of the House. It has only deepened them. He has put all the blame on the labourers. How the overhead charges of these collieries have been increasing has not been shown. What was the amount paid to the contractor and how does the present rate work out are matters which we do not know. Another thing is: what is the difference between the cost price and the control price and how much is the additional price that the Railways are paying, which is a further loss? How long have these collieries been worked and are they likely to be economical at all or have their potentialities been exhausted? When I was a member of the Standing Finance Committee for Railways, it was suggested by the Department that these collieries were not likely to be economical even if worked properly. Now the proposal is to invest some more money on them. The Railway Colliery Committee Report has not been supplied to us and it should be made available to the Members. On these points, we should like to be enlightened. With this request, I support the adjournment.

Shri Gadgil: I can assure the House that there is not the slightest intention to conceal anything nor is there the slightest intention to confuse the issue, because that would be the indication of a dishonest mind. I am quite prepared to let my officers be cross-examined by such hon. Members as are interested in the subject at such time and on such date as they desire. I share their anxiety that this undertaking should be put on a sound footing and in this I think I have got the full authority of the Government of India to say that they welcome all suggestions that will result in the achievement of our objective. If it is the desire of the House, a few hon. Members may either formally or informally be nominated. They can sit and examine the officers. Whatever materials they want from me will be placed at their

disposal; so also all the material that the Railway Ministry or the Finance Ministry have with them. Everyone of us is anxious that this state of affairs must end and we must know the causes why it is so. We have our own views, but there is not the slightest intention to conceal anything. Why should we conceal? If it is a disease, it is a disease in the body politic and everyone is interested in curing it.

Mr. Deputy-Speaker: My suggestion is that if the hon. Minister agrees, this matter may stand over for three or four days. In the meanwhile, such hon. Members as have made certain suggestions on the spur of the moment and called for certain information may be invited by the hon. Minister informally for a discussion along with the officers. Interested hon. Members may send up a list of questions with respect to which they want elucidation or answers, so that the hon. Minister may be ready with his answers. At the meeting, the matter may be discussed and thereafter the Demand may be taken up in Parliament. I think we need not pursue this matter further on the floor of the House. It may be that not only the points that have come to the minds of hon. Members now require clarification but there may be others that may strike them later. So they may leisurely think this matter over and send questions to the hon. Minister.

Shri Sidhva: What is the definite proposal, Sir?

Shri Gadgil: May I repeat the proposal, Sir? A few hon. Members chosen either formally or informally by this House may tell me the time at which they want my officers to be present. They may also give me some idea of the material they want to be placed before them as also the information which they want, so that I can arrange for this and call them.

Mr. Deputy-Speaker: May I make one other suggestion? This matter was taken up by the Estimates Committee and has been left at a particular stage. If the hon. Minister agrees, the Estimates Committee will send notices to the various hon. Members who are interested in this matter. It will also invite the officers concerned, as it has been doing in respect of other Departments. A meeting may be arranged at which all may sit together and come to some conclusion. After that, the matter may be taken up in the House. So, if it is all right, the Estimates

Committee will take the initiative in this matter.

Shri Sarangdhar Das (Orissa): The other day in the course of a question to the hon. Minister of Industry and Commerce. I stated that the report of the Indian Coalfields Committee had not been circulated to hon. Members and he replied that it would be circulated very soon. That report has not come to us yet. I think the present Minister should consider it his first duty to circulate that report. I request that this may be done.

Shri Naziruddin Ahmad (West Bengal): Sir, this question involves two distinct matters. One is the passing of the Supplementary Demand, which is an accomplished fact. The other is the long range question as to whether we should continue this industry under State management or whether it should be abolished altogether. I think that these two questions should be dealt with separately. Otherwise, there would be confusion. As a short cut, the Demand may be conditionally passed, and subsequently such comments as the House desires may be made. (*Some Hon. Members: No, no.*) Secondly, we should consider the long range policy: whether these collieries should be continued or they should be closed down altogether.

Mr. Deputy-Speaker: Hon. Members got this matter adjourned on the last occasion in order that they may have an opportunity to discuss it at length. Passing the Demand in advance and looking into the question later on is not right. For that, they need not have got the matter adjourned at all. Under the circumstances, it appears to be the desire of the House to go into this matter before coming to a final decision as to whether this Demand ought to be granted or not. Possibly, the passing of the Demand may follow as a matter of course, but that does not mean that they do not want to consider the matter first.

Now, hon. Members who are in the Estimates Committee are known to me. Other hon. Members who want to participate in the meeting may kindly intimate their names to the Secretary. They may also send notices of questions on which they want information to be furnished at that meeting. This would enable the Secretary to send them intimation regarding the date of the Estimates Committee meeting to consider this particular subject. So, this matter may stand over, by the leave of the House, to some other day.

Shri Gopalaswami: May I suggest that you would be kind enough, Sir,

to adjourn it to a fixed date? Meanwhile, the Estimates Committee can meet. May I suggest the 20th as the date on which this matter may again be taken up in the House?

The Minister of State for Transport and Railways (Shri Santhanam): Being a Supplementary Demand, this has to be passed by the end of this month when the current financial year will be over. Otherwise, there would be difficulty.

Mr. Deputy-Speaker: After it emerges from the Committee, it will be passed automatically with very little comment on the floor of the House. The hon. Minister may tell us when it will be possible for him to bring his officers.

Shri Gadgil: I am entirely in the hands of the House. I do not attach any importance to my convenience. It will be fair if the meeting is held four days hence.

Mr. Deputy-Speaker: Twentieth seems to be a little too early. Twenty-second and twenty-third are holidays. This matter will stand over to the 24th. Has this the acceptance of the House. (*Hon. Members: Yes.*) So, we will take it up on the 24th.

Shri R. L. Malviya (Madhya Pradesh): The report of the Enquiry Committee has perhaps not been printed and is not available. It will be in the best interests of all if a few copies are placed in the Library, so that hon. Members may look through it.

Shri Gadgil: It can be arranged. Sir.

TAXATION ON INCOME (INVESTIGATION COMMISSION) AMENDMENT BILL—*concl'd.*

Mr. Deputy-Speaker: The House will now take up further consideration of the Bill further to amend the Taxation on Income (Investigation Commission) Act, 1947. Mr. Munavalli will continue his speech.

Clause 2.—(Amendment of section 4, Act XXX of 1947).

Shri Munavalli (Bombay): The other day when I was saying that the word "extend" is capable of more than one meaning the House rose. Again at the fag end of this forenoon I am called upon to speak.

[Shri Munavalli]

The word "extend" as can be seen from the context of the clause that has been introduced in this Bill means the extension of the life of the Commission and thereby extension of the life of the Act itself. If the word "extend" were to mean the extension of the operation of the Act, which is complete and alive, it would have been a different matter altogether. In such a case, the extension would have been either to other persons, or to goods, or to other areas which have not been specified in the Act itself. Such a conditional power may be delegated to the executive or any other body. But here what is sought is not conditional legislative power, but the legislative power itself. Here we have got to look to the duration of the period of the Act itself. When we are to determine the period of the Act the legislature shall have to exercise the legislative will. It will have to take into consideration the circumstances that are existing while enacting a particular law and the situation in which that law is to be passed. The legislature shall have also to take into consideration whether the circumstances justify the period that is sought to be extended. So, from these points of view, I am unable to understand the clause that has been introduced—that they want to extend the term of appointment of the Commission from time to time.

Now, Sir, with your kind permission, I may be allowed to quote certain principles from Grawford on construction of statutes. At page 25 he says:

"As a general rule it would seem to be the nature of the power rather than the manner in which it is exercised by the administrative officer which determines whether the delegation is lawful."

Another principle which is very often quoted is:

"True distinction therefore is between the delegation of powers to make the law which necessarily involve a discretion as to what it shall be and conferring authority or discretion as to its execution to be exercised under or in pursuance of the law. The first cannot be done. To the latter no valid objection can be made."

So, there is a valid objection to this clause and, therefore, I submit that it will be against the principle of the

Constitution to accept such an amendment.

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

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

[MR. SPEAKER in the Chair.]

Shri Munavalli: As regards this amending Bill I had some doubts about the tenability of the clause that has been introduced and so I raised a legal objection to that. In my amendment I have tried to remove that obstacle and I have restricted the period to four years so that the Commission may have full latitude to dispose of the pending cases before it.

Coming to the point as regards black-marketeers it is found that persons that participate in the black-market are all tarred with the same brush and are being treated severely in the same manner, whereas there needs to be a distinction between the black-marketeers. I can say that even among the black-marketeers there are certain classes, those who rule the black-market and those who have simply been the victims of the black-market. Those who rule the black market need to be severely dealt with, but those who have become the victims of it deserve our sympathy. For example I can say as regards the question of yarn the black-market comes into existence not because of the black-marketeers but because of the wrong policy of the Government also. Some share of this fault duly goes to Government for the wrong policy adopted by them. The Government adopted a policy of exporting yarn when there was not sufficient yarn for home consumption.

Mr. Speaker: Order, order. I do not know with reference to what part of his amendment the hon. Member is addressing the House. The general discussion about the desirability or otherwise of this Bill has already been discussed at the consideration stage, and as I see, the only point involved now is that the period should be somewhat more or less.

Shri Munavalli: What I want to submit is that in the speech of the hon. Minister of State he has made certain remarks and he has also stated that he would go to the field in order to ascertain whether there is any corruption in this branch, especially Income tax offices, so that when he comes back he should be supported by us.

Mr. Speaker: That is all right. So far as the merits of the proposition are concerned I should not like to interfere at all. My point is one of procedure. Now we are at the amendment stage, the clause by clause consideration stage. If this kind of discussion, which is again a general discussion, is permitted, well, every Member will be entitled to press the same arguments, in the same form or in a different form every time a clause is put before the House for acceptance. The amendment of the hon. Member is this.

In clause 2, in the proposed amendment of sub-section (3) of section 4 of the Taxation on Income (Investigation Commission) Act, 1947, after "from time to time" insert "up to 31st day of March 1955".

So it is no use going into general merits of the case. Of course, he is entitled to say that because of the large problems, they may have a longer period or a shorter period. But he should not cover the same ground now again. It is possible he may not have had a chance of speaking on the general consideration motion. That is a different matter. But now he will confine himself only to the amendment. Otherwise the procedure of the House will be vitiated.

Shri Munavalli: The only thing is that this aspect of the problem has not been considered in the speeches of the previous speakers at all.

Mr. Speaker: May be. I have no quarrel with that. My only point now is, shall we change and abandon the entire procedure or shall we restrict ourselves only to the amendment concerned? I hope he will agree...

Shri Munavalli: I agree with you Sir, but at the same time. . . .

Mr. Speaker: If he agrees with me there is no question "at the same time."

Shri Munavalli: I would be brief because the Government will have the advantage of considering this aspect of the matter so that they may give certain instruction to the Income-tax officers who have actually been fleecing some of the merchants.

Mr. Speaker: I am afraid, so far as the point I am making is concerned, the hon. Member's argument is not convincing to allow him to go beyond the scope.

Shri Munavalli: I am not going beyond the scope.

Mr. Speaker: He does.

Shri Munavalli: I shall try to be as relevant as possible.

Mr. Speaker: Not "as relevant as possible" but perfectly relevant, because the aspect has been fully discussed—all the different aspects—for two days.

Shri Munavalli: I must say that I was very unfortunate not to catch your eye. On that day I did not catch your eye. Even in the last session and previous to that I could not catch your eye and this is the only opportunity that I have got.

Mr. Speaker: It is very unfortunate I regret it extremely. But I will regret the more to allow him to go beyond the scope.

Shri Munavalli: All right, Sir, Thank you. Coming to the relevant point as regards my amendment I can say that the period of four years that has been provided in my amendment will be quite sufficient for the full play of the Commission in achieving the desired object of bringing to book the persons involved in all the 130 cases pending before it. There are other amendments wherein it has been stated that the time should be extended for one year or two years or three years. If we take into consideration the various odds and difficulties that the Commission has to face, I think one year or two years or three years will not be sufficient. Moreover it will be in accordance with the wishes of the Government itself that there should be a sufficient period. The object of the Government also will be achieved if my amendment is accepted. Simply by passing a clause whereby we extend the term of appointment of the Commission to any length of period I do not think that the end in view will be achieved.

If we take into consideration the human psychology as it is and if we look to the report of the Commission we will find that most of the Commission cases also are not compromised voluntarily. There is neither the volition nor the aptitude on the part of the black marketeers or the tax evaders to come of their own accord and divulge all the facts so that they can come to an amicable settlement or compromise. It is only when the Commission after a great deal of efforts and exertion collected all the facts and figures to confront them and when these tax evaders were actually cornered they came to compromise. Moreover, there are other difficulties also before the Commission. These tax evaders are so

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cautious that they have been transferring their property in the names of their relatives or they are selling it away, so that even if the Commission comes to a decision to tax them heavily, the taxes would not be recovered from them. If that be the attitude of these tax evaders, the first duty of the Government should be to try to remove all the difficulties that are in the way of the Commission by introducing a Bill. That sort of legislation we should agree to pass so that the pending cases should be immediately disposed of, but such a legislation has not yet been piloted. My sincere request to the hon. Finance Minister is that he should try to bring in a Bill as early as possible in order to remove these difficulties that the Commission has been facing day in and day out.

When we take into consideration the number of pending cases and the cases that they have disposed of during the period since its commencement, I think that the period that I have suggested in my amendment will be quite sufficient. Moreover the fear that has been entertained by the Government, that if there be a period mentioned—of course a short period—these tax evaders will go on with their dilatory tactics and thus hinder the work of the Commission, is removed by the mention of a long period in my amendment.

So under these circumstances, I think, that the period that has been mentioned in the amendment that I have moved is not only sufficient for the full play of the Commission, but the fear entertained by Government also will be removed and the tax dodgers also, when they see that the Government can extend the term of appointment of the Commission for four years from time to time, will also submit on their own accord to the Commission and get their cases compromised or settled. I think that my amendment stands a chance of being accepted and there would be no obstacle whatsoever. I request the hon. Minister to accept it.

Another point is that if this Bill, as it now stands, be passed, Parliament shall have no occasion to see what orders are being passed every now and then. However, the Prime Minister when he intervened at the consideration stage, said in his speech that the orders will be placed on the table of the House. Though it is an assurance given to the House, I must say that it shall not have the force of law. So, if there be some provision

in the Bill itself of this kind, it will go a long way. Fortunately my hon. Friend, Mr. Kamath has sent an amendment to that effect, and I think that it is an amendment which is in accordance with the assurance already given and I hope that the hon. Minister will accept it, because it serves our purpose. Although the time may be extended and the executive may be invested with the powers, still Parliament shall have the opportunity of seeing what orders are being passed; they will be placed on the table of the House. Such a provision is quite essential and I hope the hon. Finance Minister will accept this amendment. This is all that I wanted to say.

Shri Kamath (Madhya Pradesh): I beg to move:

(i) In clause 2, after "from time to time" insert:

"and when the Central Government at any time extends the term of appointment of the Commission, it shall cause a copy of the order of extension to be laid before Parliament as soon as may be after it is made".

(ii) After clause 2, insert new clause 2A:

"2A. *Report to Parliament as to action taken under the Act.*—The Central Government shall, within seven days after the commencement of each session of Parliament, cause a statement to be laid before Parliament as to the progress of work of the Commission, including the number of cases disposed of by the Commission, the manner in which each case has been disposed of, and the number of cases awaiting investigation by the Commission."

Taking both the amendments together, they seek to embody in this amending legislation the purport or the substance of the assurance or may I say, the promise that was given to this House by the Prime Minister on the 9th of this month.

Mr. Speaker: Amendments moved.

(i) In clause 2, after "from time to time" insert:

"and when the Central Government at any time extends the term of appointment of the Commission, it shall cause a copy of the order of extension to be laid before Parliament as soon as may be after it is made".

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If the hon. Member has no objection, we may have the reactions of the hon. Finance Minister about this amendment. I would then call upon Mr. Kamath to proceed further.

The Minister of Finance (Shri C. D. Deshmukh): I have not got the actual transcript of the Prime Minister's assurance before me. I think the Prime Minister said that the annual report will be laid before the House and that whenever Government extend the term of the Commission, a copy of the order of the extension would also be laid before the House.

Now, Mr. Kamath's amendment implies that it is not enough to have an annual report but a report at each session of Parliament. That I think would be a bit excessive and in any case, I do not know whether any useful purpose will be served by submitting to Parliament a quarterly report on the work of the Commission. Therefore, I find some difficulty in accepting the first amendment. To the extent to which the annual report is submitted by the Commission, his first point is already met. To the extent to which he wants the report at more frequent intervals, I think it is somewhat impracticable. The second amendment, I am prepared to accept.

Mr. Speaker: That restricts the scope of the discussion.

Prof. K. T. Shah (Bihar): May I just point out, Sir, that something turns upon the meaning of the words "session" of Parliament". If we are to have one session continuously, even though with breaks, this difficulty, I think, will not apply. In England, the session is continuous from November to August when they adjourn for the holidays.

Mr. Speaker: Perhaps, the hon Member has not in his mind the provision in the Constitution. I believe

the Constitution provides two sessions. That means, six monthly. Therefore, there is difference between the practice here and there..

Shri Kamath: I am grateful for the guidance that you have given in this matter as regards sessions of Parliament. I was just going to point that out myself, because the hon. Finance Minister's objection seems to be that my amendment will require the report to be laid every quarter. Under the Constitution what is obligatory is two sessions during a year. It may be that after the Budget session is over, the next session may be called in October or November. Apart from that, you will recollect, Sir, that this very session is only an adjourned session. Last time, the session was adjourned. This is not a new session. That is however, a matter of detail. If the Finance Minister is prepared to accept the first amendment of mine in principle, I am content to leave it to him and to his colleagues to work it out or recast it as they choose to. But the principle involved is, to my mind, important. I am sorry that the Finance Minister referred only to the period referred to in the Prime Minister's speech. What was more important, to my mind, at any rate, was this. He said—this is from the official transcript of the debate of the 9th March.

Mr. Speaker: Uncorrected.

Shri Kamath: Uncorrected, of course. We do not have a corrected copy; we have not yet progressed so far. The Prime Minister said:

"I think it is desirable, and I am sure the House would welcome the suggestion I am making that the Commission itself should report to the House, say,—not definitely and categorically, but, say, at the end of every year;—it may be one year, six months or three months—as long as it (the commission) is there it should submit a full report of what they have done, and how they have done—not merely what they have done, but also how they have done—for a discussion in the House. Secondly, whenever the Government sees fit to extend the period, that fact will also be brought to the notice of the House so that the House can discuss it. If that is done, the House is seized of the matter and can express its views as it likes and this will eliminate the difficulty that the Commission is experiencing of a time limit which prevents the Commission from going ahead and also

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the others who feel that the time limit may stop and their cases may not be taken."

In my humble judgment, the point made out by the Prime Minister has, I am sorry to say, been somewhat overlooked, if not missed entirely in the brief statement made just a few minutes ago by the Finance Minister.

Mr. Speaker: As I understood the Finance Minister, he had no objection to acceptance in principle of what Mr. Kamath says. But, what he pointed out was that the reports may not be so frequent as that. That is the only point.

Shri Kamath: Am I to understand that he is accepting my Second amendment in principle?

Mr. Speaker: Am I right in assuming that he accepts the principle?

Shri C. D. Deshmukh: I said that the Commission does submit a report at the end of a year and no doubt if its substance has to be enlarged for any particular purpose in view, that could be arranged. There will be one report as usual. It does not really involve any new legislation for that purpose. The real gist of the amendment is that the decision of the Government will be placed before the House. That, together with the report setting out all the circumstances of the case, should, I think, meet all the requirements of the case. That was my point.

Shri Kamath: May I ask whether the annual report of the Commission includes all the various matters to which I have referred in the second amendment?

Shri C. D. Deshmukh: It could be made to include some of those points. I cannot see myself how the Commission can report on how each case is dealt with, that is, 'the manner in which each case has been disposed of'. That seems to be rather asking for too much. The Commission can give overall statistics. It can refer to important cases, not by name, but by categories, in order to bring out a point or a particular difficulty involved. But, if legislation were to be that the Commission has to report how each case is to be disposed of, I think that really involves to much work which is not expected of any kind of executive body.

Mr. Speaker: Shall I have another point clarified? What about the wording of the other amendment which the hon. Finance Minister proposes to accept, regarding the report to Parliament as to extension of the term? Does he want to put it in some other language?

Shri C. D. Deshmukh: I think, as far as I can see, the language is all right.

Mr. Speaker: I am making this enquiry in order to limit the scope of the discussion. There need be no further discussion as regards the first amendment. As regards new clause 2A, there is unanimity to the extent that there will be a report which will be laid before Parliament. But, there is difference on two points, namely, as regards the content of the report, the details that the report should contain, and whether it is necessary to make a statutory provision that a report shall be submitted. These are the two points. The hon. Member may continue.

Shri Kamath: As regards the first point, that is to say, the contents of the report to be laid before Parliament, in case this amendment is accepted by the House, may I say that during the last two or three years or more that this Commission has been functioning, investigating various cases, there has been an impression, right or wrong, in the public mind that some assessee, for whatever reason it may be, have not been dealt with properly. Some people outside have gone to the length of saying that certain assessee have been omitted, and have not come within the purview of this measure. The other day, in the course of the debate on this Bill, I asked a question about the cases of the four assessee in connection with which the Finance Minister's predecessor, not the immediate predecessor, but two degrees removed from him, had to resign in August 1948. In reply to that my hon. friend Mr. Tyagi on the first day said that the cases had not been disposed of; but on the second day there was further clarification and Mr. Tyagi told the House that one case has been disposed of; and the Prime Minister added to the answer by saying that the other two or three cases were still under enquiry. Two-and-a-half years have elapsed since the resignation of Mr. Chetty, and in the natural course of human conduct, one would have thought that two-and-a-half years is a long enough period for a case of any complexity whatever, to be taken up, enquired into and disposed of.

3 P.M.

The Minister of State for Finance (Shri Tyagi): One group of cases.

Shri Kamath: Mr. Tyagi when he was on this side of the House, I remember one day, in a voice choked with emotion and feeling addressed the Home Minister and pleaded with him for acceptance of even certain minor amendments, and his complaint was that the Minister for various reasons was determined not to accept them. I think I am sure, now Mr. Tyagi has adapted himself to his new environment and...

Shri Tyagi: I have accepted your amendment.

Shri Kamath: But I am now referring to the other amendment. As I said, Mr. Tyagi has now adapted himself to his new environment and is functioning as a Minister of State ought to function in this House. So on that account, I have no quarrel with him.

Further, I know Mr. Tyagi has got his senior colleague and they have got to go together. But the point I want to make is this. I do not know which provision in this Act debar or prevents Government from citing the names of the assesseees. The hon. Minister the other day was asked to point out the specific provision in the Act which prevents Government from disclosing the names of the assesseees. I was not in the House throughout the discussion or debate but as long as I was in the House I did not hear any answer from Government as to which specific provision in the Act prevents Government from giving the names or which comes in the way of Government disclosing the names of the assesseees. But...

Shri C. D. Deshmukh: It is section 8 (8) of the Act.

Shri Kamath: I am indebted to the hon. Finance Minister for clearing that point. The Finance Minister himself admitted that it is quite possible, of course, that the labour involved may be great, but it is not impossible to give a brief resume, if I may so put it, of each case, without the name being mentioned, that is disposed of by the Commission during the year under report. I see no reason or difficulty whatever, unless the will be lacking, to make or direct the Commission to produce a report on those lines, giving the list of the cases disposed of, and in the remarks column, or whatever new column may be devised for the purpose, the manner

in which the settlement has been made, the income which has been assessed, the assessment and the money that has been, realised and...

Shri C. D. Deshmukh: Do I understand the hon. Member to say that the report, without giving the names, should give the necessary particulars? If that be the case, there should be no difficulty and the Commission could be instructed to give sufficiently enlightening details about the cases, without specifying the actual names. I think that could be done by executive instructions.

Shri Kamath: Yes, in every case.

Mr. Speaker: The hon. Member wants that the details should be given in every case.

Shri C. D. Deshmukh: The trouble is that there is no such thing as every case. There are only groups of cases, though there is what you call, every assessee. Some assesseees have a large number of cases and we call the cases by groups and each group may have thirty or forty or fifty cases; and sometimes it happens that some of these cases have been investigated and the others are still being investigated. So it would be much better if when a group is completed we say that so many cases were handled in this way and this was the income disclosed and this much was assessed and so on. That should not present any particular difficulty.

Shri Kamath: Then I understand. Sir, that the Finance Minister has no objection or will be able to see his way to ask the Commission to supply the particulars of every assessee and not a group of cases. No matter how many cases have been taken up in his case, that particular assessee must be one though it may be that in that connection several cases have been taken up. The assessee must be mentioned, I mean the particular assessee must be specified, without the name and...

Shri C. D. Deshmukh: That is the whole difficulty, how to specify without the name.

Shri Kamath: I would have been happy if the assessee could be specified by name, but then the Act, it is said, comes in the way.

Pandit Thakur Das Bhargava (Punjab): The exact provision which debar the name being given may please be read out.

Shri C. D. Deshmukh: Am I to read out section 8 (8) of the Act?

Mr. Speaker: The relevant portion of it which the Finance Minister alleges prevents him from giving the name, that part of it, may be read out.

Shri C. D. Deshmukh: It runs thus:

"Save as otherwise provide in this Act, the provisions of section 54 of the Indian Income-Tax Act, 1922 (XI of 1922) shall apply to all statements, returns, accounts, documents, evidence, affidavits, depositions or record made, given, produced or obtained in connection with or in the course of the proceedings of the Commission or of any authorised official."

And that again involves reading of section 54 of the Income-Tax Act which is a very long section. I would like to add that...

Pandit Thakur Das Bhargava: May we have the reference to section 54 also, to see if there is any provision there as regards the names being given out?

Shri C. D. Deshmukh: That section is a very long one.

Shri Sidhva (Madhya Pradesh): only the relevant portions of it need be given.

Shri C. D. Deshmukh: It is this:

"*Disclosure of information by a public servant.*—(1) All particulars contained in any statement made, return furnished or accounts or documents produced under the provisions of this Act or in any evidence given, or affidavit or deposition made, in the course of any proceedings under this Act other than proceedings under this Chapter, or in any record of any assessment proceeding or any proceeding relating to the recovery of a demand, prepared for the purposes of this Act, shall be treated as confidential, and notwithstanding anything contained in the Indian Evidence Act, 1872 (I of 1872), no Court shall, save as provided in this Act, be entitled to require any public servant to produce before it any such return, accounts, documents or record or any part of any such record or to give evidence before it in respect thereof."

And then it goes on to give the penalties and so on. Under section 7(1) of the Taxation on Income (*Investigation Commission*) Act, the Commission has the power to regulate its own procedure and to decide whether to sit in public or in private. Therefore it is open to the Commission to so conduct its proceedings as to enable

members of the public to know not only who the assesseees are whose cases are under investigation, but also to know of the fraud, if any, committed by the assesseees. The matter, however, is entirely one for the Commission to decide. Similarly, under section 7(4) the Commission has the power in its discretion to allow inspection of any documents in its record or furnish copies. Here the Commission has been given the power to give or not any publicity to the proceedings before them. Under section 8(8) which I have just read it will be observed therefore that section 54 of the Income-tax Act applies in the same manner to the proceedings of the Commission as it does to the proceedings of the income-tax authorities except to the extent mentioned in the Taxation on Income (*Investigation Commission*) Act. The exceptions are, as already stated, contained in sections 7(1) and 7(4). Section 54 of the Income-tax Act forbids the disclosure of information concerning assesseees but disclosure is permitted in certain specific cases mentioned in that section.

The question arises whether section 54 of the Income-tax Act which refers only to statements, etc. made by assesseees prohibits also the names of the assesseees. One of the occasions on which section 54 permits disclosure of names is for the purpose of enabling the appropriate authorities to prepare the electoral rolls, where payment of incometax is the prescribed qualification for being entered in the electoral rolls. Considering that a specific exception had to be made to enable the names of taxpayers to be disclosed to officers preparing electoral rolls we take it that it is implicit that even the disclosure of the name of a taxpayer offends the spirit of section 54 of the Income-tax Act.

Attention may in this connection also be invited to clause (j) of section 54(3) under which it is permissible to disclose facts concerning an assessee if the disclosure of such facts is necessary for the purpose of enabling a State Government to levy or realise any tax imposed by it.

The history of this clause is that it was inserted when the Bengal Government introduced in 1940 an Employment Tax, which was payable by every person, who during the previous year had been residing in Bengal and pursuing a vocation (*Interruption*).

Mr. Speaker: Order, order. I would ask hon. Members to be more attentive.

Shri C. D. Deshmukh: All that the Bengal Government were concerned with then was to know the names of the incometax-payers. It was considered that even names of income-tax payers cannot be disclosed without specific authority. That is our intention and that is why I say to the pretation of section 54 and its implication to which it is not modified by section 7(1) (4) it is not open to us to disclose the names.

Pandit Thakur Das Bhargava: With your permission, Sir, may I submit a word with regard to this question of names?

Mr. Speaker: To argue as to whether under the law mention of names is permitted or not, will be entering into a different kind of argument which is (An Hon. Member: Not relevant.) though only remotely relevant is not very pertinent on the present occasion. The hon. Finance Minister has said that under section 54, no particulars may be given and it may be contended that the return of the assessee contains his name also. But one need not go into that argument. The other argument which he has advanced should be considered by lawyers rather dispassionately and then come to conclusions. One of the arguments which he mentioned was that that section specifically mentions certain matters in respect of which the name could be disclosed, for example electoral rolls. Therefore it seems to follow logically that, if disclosure of names was permissible, there was no occasion to indicate in that particular section 54, the exceptional cases where the names of the assessee can be disclosed for the purpose of electoral rolls. His argument, therefore, is that that shows what is included in the prohibition about disclosure in the main section 54 which applies here. I am merely placing his argument as I have understood it. The question cannot be said to be free from doubt. Although I am quite clear as to what it means, I do not want to express my opinion. It is no use going into that.

There are two objections to the amendment of Mr. Kamath. One is as regards the various details which he wants and the other is that the Finance Minister is opposed to have any statutory definition of the contents of the report.

Shri C. D. Deshmukh: That follows, especially when it touches on those sections which are not under amendment today. In effect, to the extent to which his amendment calls for

names it would really be an amendment of certain other sections and not this particular section about the extension of the term of the Commission. To that extent it is out of order.

Shri Kamath: I venture to submit that if the report which the Finance Minister is prepared to call upon the Commission to submit contains only a bald statement of the type he has referred to, I submit that it would detract from the letter and spirit of the assurance that the Prime Minister gave the other day on the floor of the House. If the Prime Minister himself had been satisfied with the present state of affairs—he knows that the Commission does submit a report every year, what kind of a report it is and he also knows its contents—he would not have come forward with this suggestion. He said that it will submit a full report of what they have done and how they have done. I am sure if the Finance Minister and the House reads the statement carefully they will realise...

Mr. Speaker: Does not a full report mean as full a report as the law permits?

Shri Kamath: That is being done now, according to the Finance Minister himself...

Mr. Speaker: No, no. It is a possible misunderstanding of the situation. All that he says is that he is prepared to give as full a report as possible. That means a much bigger, much larger and a much wider report than what is being submitted at present, provided it is within the limits laid down there.

Shri Kamath: I am afraid if that kind of a truncated report were to be submitted by the Commission it would in effect not serve the purpose at which I am aiming in my amendment. It will be more or less on the lines of what is said in a Sanskrit sloka:

*Vinayakam prakuruāno rachayāṁśā
vānaram*

It means that a man set out to make the image of Vinayaka but ended up with an image of a monkey. The purpose of my amendment is to dispel or try to dispel from the minds of Parliament and the public any lurking suspicion that any assessee, howsoever highly placed he may be, has not come within the purview of this measure.

I do not know whether the Finance Minister has read reports of the debate the other day in the West Bengal

[Shri Kamath]

Assembly, when a pointed reference was made by a member of the Assembly there to a book which has been circulating recently called *The Mystery of Birla House*. The Chief Minister or the Finance Minister gave an answer which has left many, including myself, unconvinced. This matter—as regards assesseees who have not been tackled as they should have been under the powers vested in the Commission by the Act—and I do not mean only this particular assessee who is referred to in that book) is an important one.

Mr. Tyagi the other day, when he introduced the Bill, referred to socially important people who will also come within the clutches of this Act. What his conception of 'socially important' is, of course, I do not venture to surmise, but to the ordinary human judgment, ordinary commonsense, I am sure he meant that all persons who have evaded taxes in the past must be brought within the scope of this Act, no matter what their position in society or public life may be. The Finance Minister, therefore, will do well to look into the allegations, very serious allegations, made in this book to which I have referred and see how far the allegations there in that book *Mystery of Birla House* are correct or unfounded.

The other point to which you referred in fixing the scope of discussion on this measure was whether this requirement should be left to executive instructions or should be made a statutory obligation. Personally, in spite of the assurance that the Finance Minister has given (by which he has buttressed the promise made by the Prime Minister), in spite of that I say that as my friend, Mr. Munavalli said, a promise or an assurance to get something done executively has not the force of law or statute. And who knows who will be occupying the position of Finance Minister when this matter comes up before the House again? The assurance of one Finance Minister is not necessarily honoured by his successor in Parliament. When even laws are not honoured by successor Parliaments, are repealed, then what importance can you attach to a mere promise or assurance given by a Minister in this House. That is the point of my first amendment which says this responsibility squarely on the shoulders of Government and calls upon them to see that a report is submitted to Parliament every session—I am content to leave it to the Government if they want to make it half-yearly or annually, but the point at

issue is the principle of the amendment and I for one would not leave it to the mere whim and caprice of executive instructions. The matter being important it is very necessary that this House when it more or less delegates this responsibility or this function to Government, should see that everything comes back to the House ultimately. And I would therefore plead with the Finance Minister and the House for the supreme need for a provision of this nature in the Act. As I have stated in the amendment, the statement should contain the progress of work of the Commission, the number of cases disposed of by the Commission, the manner in which each case has been disposed of and the number of cases awaiting investigation by the Commission.

You have just expressed, and I am grateful for the view that you have expressed, that this provision as regards the prevention of disclosure of names is not free from doubt, and in a matter of this nature when there is doubt about a particular matter, a very important matter too, the benefit of the doubt should be given to Parliament and not to Government. I am not an income-tax lawyer myself nor am I very much of a lawyer even otherwise. My friends here to my right and left are reputed lawyers and I am sure they will express their views on the interpretation or commentary made by the Finance Minister on the sections of the Income-tax Act, but seeing it from a commonsense point of view—and I think law is very often not repugnant to commonsense, or not inconsistent with commonsense—I feel that when there is so much doubt about this particular matter, Government would do very well to lay before the House, especially in this popular set-up when Government and Parliament are one and when we are working for the same end, working towards eradication of these anti-social practices, every little particular that might be in their possession, in the interest of society and of the nation. What does it matter, may I ask, if the names of assesseees are disclosed?

Mr. Speaker: Order, order. The hon. Member is going beyond the scope of the amendment now when he insists upon names. He wants an immediate interpretation of the Act and a decision on that point. How is it possible? The hon. Minister has explained the position. If he says the law is so-and-so, the hon. Member must proceed on that basis. Any argument on the legal position is not admissible.

Shri Kamath: Thank you very much. Sir; I will refrain from that. I will

only say in the end that if a statement of this nature, which I have asked for in the second amendment of mine, is not placed before the House, I feel that the Prime Minister's assurance or promise in this regard would not be implemented in letter and spirit. And I would only plead finally with the Finance Minister and the House that if we really want to teach a salutary lesson to anti-social elements of this type we must see that a full report of this type is laid before Parliament. There is no other way.

Nānyah panthā vidyate ayanāya

Shri P. Y. Deshpande (Madhya Pradesh): In the amendment of Mr. Kamath there is no mention of names. The amendment mentions "the progress of work of the Commission, including the number of cases disposed of by the Commission, the manner in which each case has been disposed of, and the number of cases awaiting investigation by the Commission." There is no mention of names in the amendment.

Mr. Speaker: That is what the amendment is silent about, but as explained by the hon. Member himself he is very keen on having names.

Shri P. Y. Deshpande: But it does not insist on names.

Mr. Speaker: Yes, but later the position may be different. When the report is submitted without names, hon. Members will say, "Oh, yes, this point was so much pressed and the hon. Finance Minister accepted it. But when the manner in which each case is disposed of has to be given, how can we understand how each case is disposed of without the names?" But now let us take his exposition of the argument.

Shri Kamath: On a point of clarification...

Mr. Speaker: No, no, I think this has been discussed unnecessarily long now.

Shri M. A. Ayyangar (Madras): May I speak generally about it?

Mr. Speaker: I think the position is clear. We have argued the whole case generally. Here there is a substantial agreement that the Finance Minister is going to place the report as fully as possible. He is going to accept the other amendment.

Shri Kamath: Statutory aspect?

Mr. Speaker: I do not think I am prepared to allow that. If the hon. Member comes to that I may rule it out of order because my point of view

is clear that it is going against the statutory obligation pointed out by the Finance Minister.

Pandit Thakur Das Bhargava: The question is whether power should be given to Government to have the Act extended from time to time or whether the Act should be for a fixed period, whatever the period may be.

Mr. Speaker: This point was argued sufficiently at the consideration stage. Therefore, it is no use going into the same thing again.

Shri C. D. Deshmukh: There is just one small observation that I would like to make. If we were to accept the amendment suggested, apart from its being in order or out of order, I think we would be defeating our own end and that is, to help the work of the Commission. The tax evader is as shy as his capital and if it is known that all these names are going to be bandied about I think even the settlement of many cases would be difficult. We would be driving them into a corner and the Commission may well find that it is up against a blank wall. I have been in very close touch with the work of the Commission and I realise perhaps as no Member of the House here realises how complicated those cases are; what their opening gambit is; how they start and what persistent investigation it takes to run down a case. It is only with a certain amount of luck that we are able to get the tax evaders into a position where we can have a settlement. If we were to accept an amendment like that, whereunder specific names have to be disclosed, I am afraid we shall get very little in the way of settlement and very little in the way of revenue.

Pandit Thakur Das Bhargava: rose--

Shri Sidhva: May I submit that, as you rightly stated this matter was thoroughly gone into during the general discussion, if you permit those Members who have already spoken then to speak again, others like me who have not spoken will not get a chance.

Mr. Speaker: I do not know if Pandit Bhargava had spoken.

Pandit Thakur Das Bhargava: I am not very anxious to speak, if that is the attitude of my hon. friend.

Shri Sidhva: I have not spoken. I want to speak.

Mr. Speaker: The best course to satisfy all equally is that I will put the motion to the House.

Shri M. A. Ayyangar: Before you do so, I would like to say just a word or two. I will not take more than a minute or two. Apart from the question of law, it is these very people who evaded the law that forced the Government to bring an Income-Tax Investigation Commission into existence. I find on reading the Commission's report that those who came to a settlement did not come to a settlement until their throats were caught hold of and they were practically going to be strangled. I am therefore surprised when the hon. the Finance Minister says that they voluntarily came to a settlement. It is not so. As in the case of black-marketeers or persons who take import licences and dispose of them wrongly, it is necessary that the names of these tax-evaders should be put in the black list. The country should know who they are. Apart from the question whether it is legal or illegal, my point is that if a later statute lays down that the names should be disclosed, the provisions of the previous statute—section 54 here—will be overridden.

Mr. Speaker: It is a doubtful proposition.

Shri M. A. Ayyangar: I shall read only one sentence from the Commission's report. It is on page 12.

"But in the experience of the Commission, those whose cases have been settled under this provision, except in a few cases, came out with a disclosure, only at a stage when they found that the wall of evidence collected by the Authorised Official was closing around them in such a manner as to leave them no room for escape from the rigours of the law except through an admission of concealment. The Commission were constrained to accept their applications even at that stage, not because the Commission found much grace in such disclosures, but because therein they found the one way to shorten the long and laborious processes of bringing on record what had already been discovered during the investigation and of utilising the time so sav-

ed in completing other cases."

Such people deserve absolutely no sympathy at the hands of Government. It is something like closing the door and examining witnesses *in camera* in a murder case. The other day we passed the Preventive Detention Act. Both those other people and these gentlemen should be brought under it. Until the last stage, they did not come out with the truth. The Income-Tax Investigation Commission has disposed

of only 232 cases out of 1300. I do not understand a soft corner being shown to these people. What is this kind of concession that the Finance Minister wants to show them by not disclosing their names? They are the first offenders. They have committed the worst anti-social activity in the world. Their names must come in the honours list for this year. I am really surprised at the way in which the Finance Minister has spoken. These three gentlemen in the Commission have been struggling hard to discover the culprits. I shall read to you one other passage.

Mr. Speaker: May I remind him that he has exceeded the time-limit?

Shri M. A. Ayyangar: Which time-limit, Sir? Is there a time-limit for such Bills?

Mr. Speaker: I am referring to his promise of a time-limit of two minutes.

Shri M. A. Ayyangar: I would not have spoken on this, Sir, but for the fact that it is a very important matter. The Finance Minister has thrown away all canons of economics and finance when he came forward and told the House, "I am not able to raise money by borrowings in the money market. I have to tax you for the purpose of long term development." I may tell him that here is a class of people whom you should not spare. You must strike terror in their minds. Honest men should not be harassed, but dishonest men ought not to be allowed to go about posing as friends of the common man. It is better that we separate the sheep from the goats or the wolves from the goats as early as possible. Let the country know that these persons are dangerous and that they are masquerading under various names and forms. If section 58 stands in the way, I would suggest to the hon. Minister to take the earliest opportunity to get it amended. My own impression is that section 54 does not stand in the way. Without the names, this report is incomplete.

Pandit Thakur Das Bhargava: I have got two amendments.

Mr. Speaker: I called upon all those who had given notice of amendments...

Pandit Thakur Das Bhargava: On that day, notice was not given by me. I gave the notice only yesterday.

Mr. Speaker: I am not disposed to waive notice at this stage.

Pandit Thakur Das Bhargava: But my amendments have been circulated to all hon. Members.

Mr. Speaker: I understand that the amendment of the hon. Member, Pandit Thakurdas Bhargava was circulated; so he must have an opportunity of moving it.

Pandit Thakurdas Bhargava: My amendment is practically the same as the one moved by Mr. Bhatt. I wanted to support it, provided you permit me.

Mr. Speaker: I would, of course, leave it to the hon. Member. But if his amendment is substantially the same as the one already moved by Shri Gokulbhai Bhatt, is it worthwhile going over the same ground? With the concurrence of the hon. Member I am proceeding to put the amendments to vote.

The question is:

For clause 2, substitute:

"2. Amendment of section 4, Act XXX of 1947.—In sub-section (3) of section 4 of the Taxation on Income (Investigation Commission) Act, 1947, for the words and figures "31st day of March, 1951" the words and figures "31st day of March, 1952" shall be substituted."

The motion was negatived.

Mr. Speaker: Then the amendment of Shri Bhatt.....

श्री भट्ट : इस पर आप राय लें इस के पहले मैं अर्थमंत्री जी की राय जानना चाहता हूँ।

[Shri Bhatt (Bombay): Before you put it to vote, Sir, I would like to know the views of the hon. Finance Minister.]

Mr. Speaker: It is too late now. He has already replied to the debate and given his reactions.

श्री भट्ट : अर्थमंत्री जी हाजिर नहीं थे उस दिन।

[Shri Bhatt: The hon. Minister of Finance was not present on that day.]

Mr. Speaker: It is a curious procedure to bring forward the arguments for and against when the voting has commenced.

श्री भट्ट : मेरा कहना यह है कि उन्होंने इन सुझावों पर कोई राय प्रकट नहीं की थी, उन के बोलने के बाद मैं इस को वापस ले लूंगा।

मिस्टर स्पीकर : यह स्पष्ट बात है कि सभी दूसरे सुझावों पर राय प्रकट की जा चुकी है

और उस में यह भी आ गया है, अब दूसरी बार राय देने का क्या प्रश्न है ?

[Shri Bhatt: I want to submit that he had not expressed any opinion on these suggestions. I will withdraw it after he has finished his statement.

Mr. Speaker: It is obvious that opinion has been expressed on all other suggestions and it was also included in that. I do not know how does the question of expressing the opinion again arise?]

श्री भट्ट : मैं तो यह कहना चाहता

हूँ.....

[Shri Bhatt: I only want to submit.....]

Mr. Speaker: Order, order.

श्री भट्ट : मैं वापस लेना चाहता हूँ।

[Shri Bhatt: I beg to withdraw.]

Mr. Speaker: Is the hon. Member Pandit Bhargava prepared to consent to the withdrawal of the amendment.

Pandit Thakur Das Bhargava: I do not consent to withdrawal.

Mr. Speaker: Then, the question is:

In clause 2 after "extend its term of appointment" insert "for any period upto the 31st day of March, 1953".

The motion was negatived.

Mr. Speaker: The question is:

In clause 2, for "from time to time" substitute:

"for such further period, not exceeding two years beginning the 1st of April, 1951, provided that before 31st of March, 1952, the Commission shall so arrange and dispose of the cases already referred to them as to make those *prima facie* involving the largest sums first, and thereafter in the descending order in accordance with the amount of taxation *prima facie* considered to be involved in each such case, so that of the total income and the total tax involved thereon the largest proportion may be dealt with and disposed of within one year from the 31st of March 1951".

The motion was negatived.

Mr. Speaker: Then I come to Pandit Munishwar Datt Upadhyay's amendment.

Pandit Munishwar Datt Upadhyay (Uttar Pradesh): I beg leave to withdraw it, Sir.

The amendment was by leave, withdrawn.

Mr. Speaker: The question is:

In clause 2, in the proposed amendment of sub-section (3) of section 4 of the Taxation on Income (Investigation Commission) Act, 1947, after "from time to time" insert "up to 31st day of March 1955".

The motion was negatived.

[Division No. 1]

AYES

Achint Ram, Lal
Rhagat, Shri B. B.
Chatopadhyay, Shri
Das, Shri Sarangdhar
Durgabal, Shrimati
Ghule, Shri
Guba, Shri G. S.
Hukam Singh, Sangar

Ismail Khan, Shri
Jaswant Singh, Kanwar
Kamath, Shri
Kunzru, Pandit
Mumavalli, Shri
Nasiruddin Ahmad, Shri
Ramarayan Singh, Babu
Ranbir Singh, Ch.

Ray, Shrimati Benuka
Shah, Prof. K. T.
Sinha, Shri S. N.
Sochet Singh, Sardar
Tewari, Shri B. S.
Velayudhan, Shri B.
Velayudhan, Shrimati

NOES

Anwar, Dr.
Amolak Chand, Shri
Arya, Shri B. S.
Balgua, Shri
Balmiki, Shri
Bharati, Shri
Bhargava, Pandit M. B.
Bhatt, Shri
Boroob, Shri
Buragohain, Shri
Challha, Shri
Das, Shri Jagannath
Das, Shri Nand Klabore
Das, Shri S. N.
Deshmukh, Shri C. D.
Deshpande, Shri P. Y.
Dwivedi, Shri
Gadgil, Shri
Ghose, Shri S. M.
Goenka, Shri
Gopnath Singh, Babu
Gupta, Shri Deshbandu
Hasarika, Shri J. N.
Hasarika Shri M
Heda, Shri

Himatsinhji, Major-General
Jain, Shri A. P.
Jain, Shri N. S.
Jayashri, Shrimati
Jhunjhunwala, Shri
Kalyannan, Shri M.
Kasoor, Shri J. E.
Karmarkar, Shri
Khan, Shri B.
Krishna Singh, Thakur
Lal Singh, Thakur
Mahta, Shri Kahudram
Mahtab, Shri
Masuodi, Maulana
Meeran, Shri
Menon, Shri Karunakara
Mirza, Shri
Mishra, Shri S. P.
Mishra, Prof. S. N.
Mudgal, Shri
Nehru, Shrimati Uma
Nehru, Shri Jawaharlal
Pani, Shri B. K.
Pant, Shri D. D.
Parmar, Dr.

Poonacha, Shri
Postake, Shri
Raj Bahadur, Shri
Ramaswamy, Shri Arigay
Ramiah, Shri V.
Ramiah, Shri P. Kodaand
Rao, Shri Shiva
Raut, Shri
Reddy, Shri K. V. Ranga
Sanjivayya, Shri
Satish Chandra, Shri
Shiv Charan Lal, Shri
Shukla, Shri S. N.
Sidhva, Shri
Singh, Capt. A. P.
Singh, Shri T. N.
Sinha, Shri Anrudha
Sinha, Shri Satya Narayan
Sondhi, Shri
Subramantam, Dr. V.
Thakkar, Dr. K. V.
Tyagi, Shri
Upadhyay, Pandit Munishwar Datt
Yadav, Shri.

The motion was negatived.

Mr. Speaker: The question is:
After clause 2, insert new clause 2A:

"2A. Report to Parliament as to action taken under the Act.—The Central Government shall, within seven days after the commencement of each session of Parliament, cause a statement to be laid before Parliament as to the progress of work of the Commission, including the number of cases disposed of by the Commission, the number in which each case has been disposed of, and the number of cases awaiting investigation by the Commission."

The House divided: Ayes, 23:
Noes, 74.

[3-45 P.M.]

Mr. Speaker: Now I shall put the other amendment of Mr. Kamath.

The question is:

In clause 2, after "from to time" insert:

"and when the Central Government at any time extends the term of appointment of the Commission, it shall cause a copy of the order of extension to be laid before Parliament as soon as may be after it is made".

The motion was adopted.

Mr. Speaker: 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 1 was added to the Bill

The Title and the Enacting Formula were added to the Bill

Shri C. D. Deshmukh: I beg to move:

"That the Bill, as amended, be passed"

4 P.M.

Shri Naziruddin Ahmad (West Bengal): I want to say.....

Mr. Speaker: I do not think that there is any practical scope for saying anything. I do not want to deprive any Member of the right of speech. But certainly, I am bound to see that there is no repetition of the arguments. The amendments have all been considered thread-bare. The scope of the third reading is limited to the amendments and the only amendment carried is practically unanimous. There was no difference on that point. With the long discussion of two days on the consideration stage and about a day and a half again over one clause, and the various amendments and after the rejection of the amendments, a substantial part, over which Members might like to speak goes away. I do not see that there is any point in repeating the same arguments over and over again.

Shri Naziruddin Ahmad: I undertake not to repeat.....

Mr. Speaker: Then, in order to verify whether it is repeated or not, I must hear him and it is no use stopping him for a repetition after he has finished his speech. I think everybody will agree that it is no use taking up the time of the House after such a thorough discussion as that.

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

Mr. Speaker: We go to the next item in the agenda.

Pandit Kunzru (Uttar Pradesh): Before going to the next item, I should like to understand the effect of your ruling. Your ruling is that the Speaker will decide any question whether or not it is necessary for any speech to be made on the third reading, even though the rules allow Members to speak when the motion for the third reading of a Bill is before the House.

Mr. Speaker: My ruling is not so wide as the hon. Member seems to understand.

Pandit Malaviya (Uttar Pradesh): The effect of your ruling is that.

Mr. Speaker: That is not the effect. I explained therefore the circumstances. Unless it is the desire of Members in urging the exercise of their rights to want me to waste the time of the House by allowing repetition of the same arguments over and over again, I see no point. There is no general ruling that I have given. I specifically refer to the character of this Bill, the discussions we had at the consideration stage and the discussions we had at the stage of the amendments. What is there to be spoken about on the third reading when the scope of discussion on the third reading is not the entire Bill but only the amendments carried by the House?

Shri Kamath: Amendments rejected also.

Mr. Speaker: This means the Bill as amended in the second reading stage. Otherwise, there is objection. Of course it is permissible for Members even to advance further arguments generally, if they want to have a rejection of the Bill. (*Interruption*). Order, order. It is always possible to say that that was the object.

Pandit Malaviya: This is a very embarrassing position because you have already been pleased to give a ruling and it is a very difficult thing now to say anything about it, but I wish to respectfully submit that the matter which is now before the House is of fundamental importance, not necessarily with regard only to the Bill that we have adopted—I am not interested in that point at all—but I feel that a certain amount of sanctity should attach to procedural practice and rules in legislative bodies.

When the hon. the Speaker takes it upon himself to decide as to whether in a particular case the circumstances have served the requirements of that procedure or have not served that purpose and then opines that the purposes of the rules have been served and goes on to rule that a vital portion of the procedure should be suspended, I am afraid, he enters into a sphere where there may be room for difference of opinion and controversy. I would therefore, respectfully submit that even if a little time of the House is at some time wasted—though that will again be a matter of opinion—I do not think that the rights of Members of this House should be easily transgressed upon. Secondly, Sir, if you make up your mind beforehand as to what a Member is going to say, I am afraid it will be difficult for us to understand whether that estimate is going to be correct. It will may be that when some hon. Member stands up, he may say something, which you may not like to allow; you have all the power and authority then to check or stop him, but to decide beforehand what a Member would say and to rule that there has been sufficient debate previously and therefore no discussion during the third reading is to be allowed, I am afraid, is rather wide of the letter and the spirit of the rules. I respectfully submit,—as I told you, Sir, and offered my apologies at the very beginning, it is a delicate position because you have already given a ruling and we have again to refer to it,—but I feel, Sir, that it is a matter of vital importance for the entire functioning of Parliamentary Government in this country and we would be failing in our duty if we did not respectfully draw your attention to it.

Mr. Speaker: I do not think I need enter into any long discussion over this. As I have clarified the position, it was with reference to the particular occasion, particular Bill and in view of the long discussion, I am clear in my mind that it was no use taking up the time of the House any further. I

never meant to restrict any of the rights of the Members of the House in having their say on the third reading. They are perfectly entitled to have their say. But, it should also be conceded and it is a matter of every day practice that the Chair also accepts closure, if it thinks that there has been a sufficient debate. It can always be theoretically argued, unless each and every Member who wishes to speak, is given an opportunity, how the Chair could say that there has been a sufficient debate. For aught we know, there may be a new point raised by some hon. Member. After all these are not things.....

Pandit Malaviya: This is not a closure.

Mr. Speaker: Order, order. These are not things of an absolute character. You have, in the interests of the nature of the House, in the interests of the business before the House, convenience and inconvenience of all Members, to vest some person with some kind of discretion. I quite agree that it may be that the discretion may be exercised wrongly sometimes. Therefore it does not follow that there may be a thumping rule that on every third reading there must be a debate. There are Bills and Bills. I need not quote instances, in which discussions have been permitted at full length; and in fact, I should not wonder if some people carry a notion in their minds that the Chair is against a particular Bill because it allowed a very long discussion on it. (*Some Hon. Members:* Yes, Yes. The Hindu Code Bill.) Here is a question of balancing. I must see that the legitimate right of every Member is not interfered with. Every Member who wishes to speak need not be given an opportunity merely because he wishes to speak. I have to strike a mean path. That is what I said. All that I said is that I do not think any discussion was necessary. This may not be taken as a ruling for all time.

This Bill is over. We will go to the next item.

Pandit Kunzru: I should raise one point for consideration. Is it ever possible at this stage for anybody to bring forward an argument altogether new?

Mr. Speaker: Order, order. The hon. Member is perfectly right. I do not want to dispute that.

Pandit Kunzru: Why is then there a rule allowing discussion at the third reading stage?

Mr. Speaker: That may be studied and considered later on.

Pandit Malaviya: Why did not the rules give a discretionary power to the Chair to act like this?

Mr. Speaker: If hon. Members are dissatisfied with the conduct of the Chair, then, certainly, they have their own remedies against the Chair.

Pandit Malaviya: We only wish to submit that for your consideration.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): In view of the various remarks made, I should like to make it perfectly clear that so far as we are concerned, and with all respect I should like to say, the procedure you have adopted seems to us to be perfectly in consonance with the rules and regulations, and with the logic of the situation. You have not made any ruling as you have said about third reading, etc. In the particular set of circumstances, you have decided in your discretion, and if I may respectfully say so, very rightly decided, because one has always to balance two things. It is right and proper that the minority opinion should have its say and should not be crushed by the majority. It is equally right that the majority should not be swept away by two or three individuals. There are certain rights belonging to the whole House. An individual ought not to be allowed to abuse them. The only person who can judge that is the Speaker. If the Speaker acts wrongly, or if the House does not like, the House can proceed about its business in its normal way. But, it cannot be left just for the sake of procedure to go on without check or hindrance by the ruling authority of the House, that is you. Otherwise, no business could be done and the House could be held to ransom by an individual Member whenever he so chooses.

Shri Kamath: That is most objectionable and unparliamentary. (*Interruptions*).

Mr. Speaker: Order, order.

Pandit Kunzru:...autocratic.

Mr. Speaker: Order, order.

Shri Kamath: On a point of order, Sir. Is it parliamentary to say "hold the House to ransom"?

Mr. Speaker: No point of order.

Shri Kamath: To say that the House could be held to ransom by a Member is most objectionable and unparliamentary. I seriously protest against that expression. I am sorry that the expression was used by the Prime Minister. (*Interruption*).

Mr. Speaker: Order, order.

REQUISITIONED LAND (CONTINUANCE OF POWERS) AMENDMENT BILL

The Minister of Works, Production and Supply (Shri Gadgil): I beg to move:

"That the Bill further to amend the Requisitioned Land (Continuance of Powers) Act, 1947, be taken into consideration."

[MR. DEPUTY-SPEAKER in the Chair]

The history of this legislation is as follows. Under rule 75A of the Defence of India Rules 1939, power was given to the Central Government and the Provincial, now State, Governments to requisition lands and buildings for specific purposes. These rules expired on the 30th September 1946. But, as the retention of the requisitioned property for a further period was absolutely necessary, an Ordinance was issued in 1946. This Ordinance, later on, was replaced by the Requisitioned Land (Continuance of Powers) Act, 1947. This was further extended for the last time for a period of one year.

Shri Naziruddin Ahmad (West Bengal): On a point of order, Sir...

Mr. Deputy-Speaker: Order, order. There is too much of noise in the House. What is the point of order?

Shri Naziruddin Ahmad: The present Bill wants to extend the scope of the original Act for a further period. My point of order is that the parent Act which this Bill seeks to extend is a measure which has become *ultra vires* of the Constitution. The Act was no doubt legal when it was first passed; but the Constitution has created certain inveterate difficulties with regard to this Act as well as many other Acts. I refer to article 19(1)(f) of the Constitution. That clause says:

"All citizens shall have the right—

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

This Constitution allows every one to acquire, hold and dispose of property, in the recognised manner of owning, acquiring and disposing of property. Then, with regard to this there is clause (5). It also says:

"(5) Nothing in sub-clauses (d), (e) and (f) of the said clause shall affect the operation of any existing

[Shri Naziruddin Ahmad] law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe."

This clause purports to limit the operation of the clause which I have read, namely, that "reasonable restrictions" may be imposed upon the general fundamental right either in the interests of the general public or for the protection of the interests of any Scheduled Tribe. Scheduled Tribes are not concerned in this matter.

So the question is whether the restrictions in the Act are reasonable and whether they are in the interest of the general public. This Act and another Act about Rent Control impose certain limitations on the amount of rent receivable by the landlord. The latter imposes certain difficulties with regard to eviction. And there are a number of restrictions on the ordinary rights of the owner of a land or a house, the rights which are given to him under the Constitution. It is the reasonable right of the owner of a property to enjoy it himself in any way he likes, in accordance with the laws of the land. He can let it out at a rent which is acceptable to him, and if he lets it out to a tenant on a reasonable rent, he may also eject him in due course, in accordance with the ordinary provisions of notice and other things.

Shri B. K. P. Sinha (Bihar): Sir, on a point of order to this point of order.

Shri Naziruddin Ahmad: There cannot be a point of order to another point of order which involves two points of order at the same time.

Mr. Deputy-Speaker: I would like to hear the hon. Member.

Shri B. K. P. Sinha: Sir, Mr. Ahmad has been raising these constitutional points very often. Once he raised it, I think in connection with the Criminal Procedure Code (Amendment) Bill or the Civil Procedure Code (Amendment) Bill, and then it was ruled by the Speaker that these constitutional points need not really be raised in this House, but they are matters which may be taken up by the courts. In view of that ruling, is it proper for Mr. Ahmad to raise this point of order now?

Mr. Deputy-Speaker: It is always open to any hon. Member to raise any point of order, and it is for the Chair and ultimately for the House to decide. But in connection with points of order concerning such complicated questions of law and jurisdiction, the Speaker has never taken the responsibility of deciding it himself; he leaves it to the House to decide, and ultimately the courts will also decide.

Regarding the hon. Member who was raising the first point, I would like to say that it need not be elaborated upon. The hon. Member may give his point of order and then resume his seat.

Shri Naziruddin Ahmad: The difficulty is that the hon. Member who just spoke thinks that these points are difficult ones and that is why I have to take a little time about them.

Mr. Deputy-Speaker: The hon. Member may kindly state his point. He has, I think, stated his point sufficiently clear now.

Shri Naziruddin Ahmad: The point is that the Act has imposed unreasonable restrictions. The reasonable restrictions on the owner of a property are as laid down in the Transfer of Property Act and in the general principles of law relating to property. This Act which we are going to extend imposes certain restrictions upon rights of ownership and.....

Shri Shiv Charan Lal (Uttar Pradesh): Sir, on a point of order.....

Mr. Deputy-Speaker: No, the hon. Member who raised the point of order has explained his point sufficiently and has drawn attention to his point.

Pandit M. B. Bhargava (Ajmer): But he is referring to another Bill and not the one we have taken up. He talks about the Rent Control (Amendment) Bill.

Mr. Deputy-Speaker: No, he has only referred to it as an analogy. So far as this Act is concerned, there are restrictions in the matter of holding and disposing of properties. There are restrictions under both the Acts. But it is not at all open to the Speaker to decide whether the restrictions are reasonable or not. That is for the courts to decide, and for the House to decide. It is not as if there is total absence of jurisdiction of the House to decide upon this matter. We have to decide whether the restrictions are in the interests of the general public or whether they exceed the limits and ultimately

that is to be decided by the court. In the present case, there is no point of order and the hon. Minister may proceed.

Shri Naziruddin Ahmad: Sir, I have other points.

Mr. Deputy-Speaker: I have already heard the point. The hon. Member should state his point only and not elaborate it. I thought he has concluded. What is his other point?

Shri Naziruddin Ahmad: The difficulty arises in breaking an argument into pieces, for...

Mr. Deputy-Speaker: There is no argument on a point of order. A point of order must be stated in precise terms. What is his point of order? Does he say that this House has no jurisdiction in this matter? Does he say that it is opposed to the Fundamental Rights? That can be understood.

Shri Naziruddin Ahmad: My point is that this House has no jurisdiction and it is on this that a little elaboration is necessary. I say it has no jurisdiction because it is a House which must act within the Constitution.

Mr. Deputy-Speaker: How it is opposed to the Constitution?

Shri Naziruddin Ahmad: The Constitution gives absolute right of enjoyment of property in a reasonable way and the restrictions put by this Act upon those rights are unreasonable. And there is another point.

Mr. Deputy-Speaker: There is no cond point?

Shri Naziruddin Ahmad: And the next point about these Acts is that there are provisions in these Acts which prevent the exercise of the right of ownership namely, that when a tenant fails to pay rent, then the landlord has the right to institute a case for the rent. And then a decree is passed, that means a lot of waste of time and of money. In the meantime, the tenant pays the amount in a court and...

Mr. Deputy-Speaker: There is no point of order. The hon. Member is a lawyer and he is only elaborating the point he has already stated.

Shri Naziruddin Ahmad: May I continue, Sir?

Mr. Deputy-Speaker: No. The point raised by the hon. Member is that the Bill offends against the provision in

article 19(1)(f) which speaks of the right to freedom to acquire, hold and dispose of property. But there can be restrictions imposed in the interest of the general public. Whether any provision is going beyond the interest of the general public or is in excess of what is required to safeguard the interests of the general public, is not a question affecting jurisdiction and that has to be decided by the House and ultimately by the Court.

Shri J. R. Kapoor (Uttar Pradesh): The hon. Member raised his point from a misapprehension. He has not appreciated the jump that the hon. Minister Shri Gadgil has taken from the previous item on the agenda to this item. He thinks we are on the item dealing with Rent Control, but we are on the other item and that is how the misapprehension has arisen.

Mr. Deputy-Speaker: No, he knows that we are dealing with the Requisitioned Land (Continuance of Powers) Amendment Bill. There is no such mistake, though in the course of his remarks he has brought in the Rent Control Act also. His point is that the original Act was passed before the passing of the Constitution and after the Constitution has come into force, this Act cannot be in order because it offends a Fundamental Right. I have heard his point sufficiently. He has said that it offends against article 19(1)(f) of the Constitution. Restrictions can be and are imposed in the interest of the general public. Further to find out whether any particular provision is in the interest of the general public, it is for the House to decide and therefore it is not for the Speaker to decide. It is not a matter entirely of jurisdiction. Whether a restriction is reasonable or not, the Speaker cannot arrogate to himself the right to decide. That has to be decided by the House and ultimately by the courts.

An Hon. Member: But, Sir.....

Mr. Deputy-Speaker: After the Minister has finished, every hon. Member is entitled to address the House and he can say that the restrictions are unreasonable and ought not to be accepted.

Shri Gadgil: I have been extremely reasonable always and I hope that that is my reputation so far as the Members of the House are concerned.....

Shri Kamath (Madhya Pradesh): Not always.

Shri Gadgil: What I am going to say is bound to be reasonable.

The necessity for this Bill has arisen out of the fact that certain requisitioned land has been in the possession of the Government since 1939 onward, that is during the war period. If this Bill is not passed immediately the result will be that a good deal of pukka construction that has been erected by the Defence Ministry and other departments of the Government of India would have to be removed: in other words, all that will be a loss to be sustained by the people at large. The position is that today if we were to acquire the land nearly 13 crores of rupees will be required. We are paying annually by way of compensation to the various owners from whom the lands have been requisitioned an amount approximately to the tune of Rs. 77 lakhs. Our position is not such that we can acquire it immediately or start big constructions or shift our offices. So from every point of view it has become necessary that this should continue for another year. In doing this note has been taken of the fact that under item 33 of List I of the Seventh Schedule of the Constitution acquisition and requisition are only to be done by the Central Government for its own purposes. That is exactly what is being done. There is nothing further to be said on the matter. All that is required is extension for one year, during which it is proposed to bring forward a comprehensive Bill before the House, which will cover the principles on which land may be acquired or requisitioned for purposes of the Central Government.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Requisitioned Land (Continuance of Powers) Act, 1947, be taken into consideration."

श्री चरी रनबीर सिंह : उपाध्यक्ष महोदय, जैसा कि माननीय मंत्री ने स्वयं यह माना है, अभी तक हालात ऐसे नहीं हैं कि वह ज्यादा मकान बना सके हों और सरकारी मकान बनाने की बजह से उस की जमीन को छोड़ सकें, तो इसलिए पहले तो मैं यह समझता हूँ कि आने वाले काफ़ी दिन तक मकानात की जो तक्रारीय हैं, वह रहेगी। तो मेरी समझ

में तो यह आता है कि बजाय इस क़ानून की साल साल मंजूरी ली जाये, इस को एक पक्का सा क़ानून बना दें और अगर कभी रिपील (repeal) करने की आवश्यकता हो तो उस क़ानून को फिर उठा दें। इस के साथ साथ दूसरा प्वाइन्ट (point) जो मैं कहना चाहता हूँ और जिस के सम्बन्ध में माननीय मंत्री ने भी अपने भाषण में जिक्र किया है वह एक्वीज़ीशन आफ लैंड (acquisition of land) का है। जहाँ तक बिल्डिंग (buildings) के एक्वीज़ीशन का ताल्लुक है और एग्रीकलचरल लैंड (agricultural land) का एक्वीज़ीशन नहीं है, उस के बारे में मुझे बहुत कुछ कहना नहीं है। लेकिन एग्रीकलचरल लैंड के एक्वीज़ीशन (acquisition) के बारे में ज़रूर कहना है। दिल्ली में और अजमेर में काफ़ी एग्रीकलचरल लैंड मुस्तलिफ़ ज़रूरतों के लिए ली जा रही है। एग्रीकलचरल लैंड का जो एक्वीज़ीशन है जैसा कि पहले सरकार करती थी वह तो इसलिए था चूँकि वह लोगों के प्रति जिम्मेदार नहीं थी और उस का एटीट्यूड (attitude) किसी हद तक समझा जा सकता था। लेकिन यह अफ़सोस की बात है कि किसी हद तक बँसा नुक़तेंनिगाह आज भी मालूम देता है, एग्रीकलचरल लैंड के लिए ७७ लाख में से जिस का जिक्र किया है कितना मुआबिजा देते हैं, तो मुझे इस का पता नहीं है लेकिन बहरहाल कुछ लाखों का सवाल है और लाखों से एक आदमी का पेशा नहीं बन सकता है और एक आदमी जो खेती करता है, उस का कोई दूसरे पेशे में शामिल होना या उस के अन्दर प्रवेश करना इतना आसान नहीं है। पेशा अस्तित्थार करना यह एक आदम

का अपने एंटीट्यूड पर निर्भर करता है। एक बहुत अच्छा कास्तकार एक बहुत गरीब बिजनेसमैन (business-man) होगा, और घाटे वाला बिजनेसमैन होगा, अगर वह कारखाने की तरफ या दूसरी तरफ अपना ध्यान लगायेगा। तो यह बहुत संभव है कि एक बहुत अच्छा और सफल कास्तकार उन कामों में लग कर असफल हो जाये। तो जहां मैं इस बात को मानता हूँ कि देश की ज़रूरत के लिए हमें यह ज़रूरत रहेगी कि एग्रीकलचर लैंड भी हम एक्वायर (acquire) करते रहें, उस के साथ साथ मैं इस बात पर मंत्री महोदय को जोर देना चाहता हूँ और प्रार्थना करना चाहता हूँ कि एग्रीकलचर लैंड अब्बल में जहां तक हो सके, उस को छोड़ दें क्योंकि वहां काफ़ी अन्न पैदा होता है और उस के बदले जहां तक हो सके एग्रीकलचर वेस्ट लैंड (Agriculture waste land) में से ज़मीन लें और उपजाऊ ज़मीन को छोड़ दें। और ऐसी वेस्ट लैंड पर जो सरकारी चीज़ बनाना हो वह बनायें। लेकिन अगर किसी ज़रूरत की बिना पर वह समझें कि वह उस उपजाऊ एग्रीकलचर लैंड को नहीं छोड़ सकते, तभी वह ऐसी ज़मीन पर अपना हाथ रखें या डालें, अन्यथा नहीं। लेकिन उसी के साथ साथ जैसा कि एक्वीजीशन ऐक्ट में दर्ज है, बहुत मामूली सा मुआबिज़ा दे कर कास्तकार से अपना पल्ला छुटाना कोई अच्छी नीति नहीं है। पहले वक़्त में जब कि हाउस के सामने सरकार जिम्मेदार नहीं थी, यह चीज़ अगर होती तो आश्चर्य न था, लेकिन अब तो स्थिति बदल गई है और आज की सरकार इस हाउस के प्रति पूर्णतः उत्तरदायी है। सरकार मेरे विचार में

ऐसे आदमियों को जिन को कि वह रिफ़्यूजी बना रही है, उन को जब तक वह पेशा (profession) न दे उस वक़्त तक मेरी समझ में सरकार को कोई हक़ नहीं रहता कि उन को डिस्प्लेस (displace) कर दे। देश के अन्दर थोड़ा नहीं काफ़ी एग्रीकलचर वेस्ट लैंड है और अगर सरकार को उस लैंड को लेना आवश्यक ही हो, जिस पर कि कास्त की जा रही थी या हो, तो बजाय इस के कि वह उस ज़मीन के एवज में कास्तकार को रुपया दें, वह एग्रीकलचर वेस्ट लैंड को डेवलप (develop) कर दें या ज़मीन दे कर उतना मुआबिज़ा और दे जिस से कि वह आसानी से उस को डेवलप कर सके।

तो मेरा हाउस से इतना ही निवेदन है और मंत्री महोदय से निवेदन है कि मुझे तो कोई आपत्ति नहीं दिखाई देती अगर यह परमानेंट सा क़ानून बना दिया जाये, और जैसा कि मैं ने एग्रीकलचर लैंड के एक्वीजीशन के बारे में कहा है, वह उस से ऊपर ध्यान दें।

(English translation of the above speech).

Ch. Ranbir Singh (Punjab): As the hon. Minister himself confessed, the position is not yet such that they may indulge in more constructions or divert some of the land for building purposes even after having done there a good deal of construction. I believe that the scarcity of houses is bound to prevail for a sufficient time to come. Therefore I think that instead of obtaining a sanction every year it would be better to enact some sort of permanent legislation which may be repealed when not required. Another point I want to emphasize is in connection with requisition of land about which the hon. Minister made a mention in his speech. So far the acquisition of residential land, and not of agricultural land, is concerned I have to say nothing. But I do want to say something in regard to agricultural land. For example, a good deal of agricultural land is being acquisition-

[Ch. Ranbir Singh]

ed in Delhi and Ajmer for various purposes. The former Government was not responsible to the people and thus their attitude regarding acquisition of agricultural land could be understood. But it is a matter of regret that there seems to prevail the same tendency even now. I do not know what amount of compensation for agricultural land is involved in the total compensation amount of Rs. 77 lakh just mentioned by the hon. Minister. But there is no doubt about this fact that it is a question concerning the destinies of millions. It is not easy for a man engaged in agriculture to adopt or enter into another profession. The choice of a profession depends upon the attitude of the individual. An expert agriculturist may be a poor businessman. He may sustain losses if he were to engage his attention in some industry or something else. It is very probable that a very expert and successful agriculturist may fail in these things. While I agree that if it may become necessary for us to acquire agricultural land, I want to stress the point and request that so far as possible agricultural land should be spared, for it produces food. In place of that, agricultural waste land may be taken and Government buildings may be constructed on such land. But in indispensable cases only when they consider acquisition of agricultural land absolutely essential, they should acquire it, otherwise not. But as is laid down in the Acquisition Act, they should not try to get rid of the tenant by paying him a nominal compensation. This is not a good policy. Formerly when the Government was not responsible to the House, such things did not surprise us. But conditions are different now and the Government of today is fully responsible to the House. I see no justification for Government to displace them as a refugee without providing them with alternate profession. There is enough of agricultural waste land in the country and if the Government consider it necessary to acquire any land which is or was under cultivation they may, instead of paying cash compensation to the tenant, develop the agricultural waste land or allot waste land to the cultivator and compensate him to that extent so that he may develop that land easily.

So I only want to submit before the House and the hon. Minister that I have no objection if this legislation be made somewhat permanent and Government should pay proper attention towards the acquisition of agricultural waste land.

Shri Gadgil: I have carefully noted what my hon. friend has said. When the comprehensive Bill, which I mentioned, is brought before this House all these facts will be taken into consideration.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Requisitioned Land (Continuance of Powers) 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.

Shri Gadgil: I beg to move:

"That the Bill be passed".

Mr. Deputy-Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

DELHI AND AJMER-MERWARA RENT CONTROL (AMENDMENT) BILL.

The Minister of Works, Production and Supply (Shri Gadgil): I beg to move:

"That the Bill further to amend the Delhi and Ajmer-Merwara Rent Control Act, 1947, be taken into consideration."

I find that there are a number of amendments given notice of. I do not know whether they will be valid taking into consideration what has been imported into this Bill. I want to assure the House that since this Act was passed in the year 1947 it was slightly amended on two occasions. But all through these four years Government have been watching the situation very closely and carefully. The object of the Delhi and Ajmer-Merwara Rent Control Act was and is to secure fair treatment for tenants, fair rents, and make them free from the claws of the landlord. That was the object. Experience has shown that although this purpose has been secured to a very great extent, some evils have also come to the notice of Government. For example, particularly in Delhi, some landlords have found it difficult to realise any rent for years together. I understand that there are about 9,000 cases pending

in the various courts of Delhi either for recovery of rent or for possession or for both. I have been informed by various associations of landlords and other citizens that it has become impossible even to get a decree, in the first place, in time, and, secondly, in the execution of the decree to get possession at all. What, I am told, happens is this that the tenant remains in arrears, the landlord files a suit, several adjournments are quite normal nowadays, ultimately when the suit is decided and execution proceedings are taken the bailiff finds that somebody else is in possession who claims his title independently of the tenant who was the defendant in the suit in which the decree was obtained. The landlord is again driven to file a suit because the man in possession claims that he is a trespasser, and, therefore, he has to pay an amount of court-fee on the valuation of the property. By the time he succeeds in getting a decree and goes to take possession, somebody else has entered. In this way things have been going on. That was surely not the object of this Act. Then the tenants themselves have been indulging in sub-tenancies. That also is a great evil. All these points have been noted and in order to be fair to all the interests, a comprehensive Bill is nearly ready. But the House will agree with me that to pilot that Bill in this session was almost an impossibility on account of the heavy agenda which naturally has a priority over things like the one I have mentioned. With great reluctance, therefore, it was decided that some such Bill which will continue the Delhi and Ajmer-Merwara Rent Control Act for another period of two years should be passed. Meanwhile the Bill which is nearly ready, as I said, will be finalised and will be introduced in the House in the next session. Before that Bill is introduced, it is the desire of the Government to give ample opportunities both to tenants and to landlords to place their respective points of view before the Government. After doing that the Bill will be finalised and will be introduced in this House.

I should have very much liked that some of the provisions should have been liberalised even now, but as I have stated my wishes are not enough to put the Bill which I wanted to introduce, on the statute-book. At the same time everyone in this House will agree that the housing problem still continues in its acute form. In the course of the last two years the Government of India alone have built

not less than 25,000 houses,—about 3,500 for its officers of all the four classes and about 21,000 for the refugees who have accepted Delhi as their place of residence. Apart from this, private efforts have been there and I am told that another 6,000 buildings, big and small, have come into existence. In order to encourage further the building activities in Delhi and New Delhi, very recently the Government of India have announced a new policy under which great concessions have been granted. I do not want to detail them because they have been all embodied in the Press note which was published a few weeks ago. The main recommendation was that so far as new buildings are concerned, the Government of India will not requisition them because we were told that this constant threat of requisitioning property newly-built, whether in Delhi or in New Delhi, hampered building construction. Personally I did not agree with this argument. However inasmuch as some people in Delhi who count in the public life of Delhi are of that view, we decided that this concession should be offered.

Shri Sidhya (Madhya Pradesh):
But the Rent control Act prevails.

Shri Gadgil: Then, so far as New Delhi was concerned, the main trouble was that Government insisted on sharing the unearned increment in the land. This was objected to with particular force by those who were already lessees of the Government and wanted to develop the property to fuller extent. The Government of India decided that if in the area covered by the old lease the leaseholder wants to subdivide it, let him subdivide it and build. What we will charge will not be premium, but the value of that subdivided and separate unit will be arrived at and the annual rent will be fixed on that amount at the rate of 2½ per cent. The old leases were on the line of premium plus five per cent. of the premium. We have already reduced that rate from five to 2½ per cent. We have further given this concession, namely, that we do not take premium but we arrive at the premium sum and we take 2½ per cent. of that as annual rent. Now, I honestly feel that these are very liberal concessions. Apart from this, so far as Delhi is concerned, the problem of further providing accommodation became complicated on account of unauthorised occupation by refugees. Even there Government have gone further, keeping in mind the miseries of the refugees as also the necessity of having more accommodation in

[Shri Gadgil]

Delhi. In all the plans in which it has been decided to stage out the development of this big capital city, these factors have constantly been kept in mind.

The main point that I was making was that in spite of all that we have done there is a shortage of housing accommodation and so long as that shortage remains, it is the duty of the State to regulate the supply of this service or commodity which is in short supply in an equitable manner as possible and that has been the main object of the Delhi and Ajmer-Merwara Rent Control Act. Had there been abundance of accommodation in this area there would have been really no necessity for further continuing this Act. But inasmuch as nobody is of the view that there is sufficient accommodation, the desirability of continuing this Act remains

All that can be said and very rightly too is that there are certain defects and that certain injustice results if the provisions are allowed to continue as they are. I quite appreciate that argument. As I said, I am myself very anxious to take up this matter even now, but it is not possible to do so owing to the exigencies of the parliamentary programme. I would therefore very respectfully ask the House to agree to extend the life of this Act for a further period of two years and the comprehensive Bill which as I said will be finalised after hearing the view-points of all the interests concerned will be brought in the next session of Parliament.

Even as the Act stands, it gives the Government of India sufficient power to exclude certain areas from the operation of this Act.

There are certain suggestions in the amendments I find on the Order Paper that new constructions should be exempted altogether, at least during the period between the passing of this amending Bill and the new Bill which I propose to bring forward. That is a point which I appreciate but I should very frankly state that I will have to discuss it with the other members of the Government because the Bill is brought in consonance with the decisions already taken by the Cabinet. If I am convinced that if I make some such exception, building activity will receive an impetus, (An Hon. Member: It will.) surely I will consider that, but the landlords like the leopard's skin

do not change. They are where they are, for good or for bad.

Then there are certain other suggestions in the various amendments. I do not know whether these amendments are in order in view of the framework of the Bill which I have moved.

This is all that I want to say at this stage, but after hearing hon. Members who are greatly interested in solving the accommodation problem I shall certainly do my best to meet their wishes as far as possible provided I am convinced that it would result in greater building activity.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Delhi and Ajmer-Merwara Rent Control Act, 1947, be taken into consideration."

पंडित ठाकुर दास भार्गव : मैं मिनिस्टर साहब को जिन्होंने अभी बिल पेश किया है उन को उस स्पीच पर जो कि हमें भरोसा दिलाती है और जो जहाँ तक जाती है वहाँ तक बड़ी जस्ट (just) है मुबारकबाद देता हूँ क्योंकि उन्होंने अब इस बिल को और इस सवाल को जो देश के सामने है, दोनों तरफ से देखना शुरू कर दिया है। जहाँ तक इस बिल का तात्लुक है

[Pandit Thakur Das Bhargava (Punjab): I congratulate the hon. Minister, who just presented the Bill, for his speech which is hope-giving and is just so far as it goes, because he has now begun to look upon this Bill and upon the question which is before the country from both the angles. So far as this Bill is concerned.....]

Shri Deshbandhu Gupta (Delhi): May I interrupt my hon. friend and draw your attention to the fact that there is an amendment standing in my name for reference of this Bill to a Select Committee. For this reason, I think that my amendment should have preference.

Mr. Deputy-Speaker: I am sorry. I missed it. Shri Gupta.

Shri Deshbandhu Gupta: I do not mind it. My hon. friend can move the same amendment.

Mr. Deputy-Speaker: I find that the names of persons have not been given

by the hon. Member. Even now I have not got them.

Shri Deshbandhu Gupta: I shall give the names just now, if this is acceptable to my hon. friend.

Pandit Thakur Das Bhargava: Am I to understand that after my hon. friend's amendment is moved, I shall have a chance to continue my speech?

Mr. Deputy-Speaker: The hon. Member will make a fresh speech.

Pandit Thakur Das Bhargava: So all this will be regarded as having been washed out?

Shri Deshbandhu Gupta: I beg to move:

"That the Bill be referred to a Select Committee consisting of the hon. Shri N. V. Gadgil, Pandit Thakur Das Bhargava, Pandit Mukut Bihari Lal Bhargava, Shri R. K. Sidhva, Shri B. L. Sondhi, Shri Jaspat Roy Kapoor and the Mover with instructions to report within two days."

Mr. Deputy-Speaker: In all these matters, the convention is that those Members whose names are proposed must have been asked if they agree to sit on the Committee. Normally, the Chief Whip should also be given a copy. It appears that he has not been given a copy.

The Minister of State for Parliamentary Affairs (Shri Satya Narain Sinha): I have not been given a copy.

Mr. Deputy-Speaker: Anyhow, this convention should be followed strictly hereafter.

Shri Deshbandhu Gupta: Thank you very much, Sir. When I gave notice of this amendment it was a week ago and I had expected that this will leave sufficient time, but I am now faced with the difficulty that the date of expiry of this Act is the 23rd and today being the 15th it leaves very little time. So, I have reduced the period and amended it to two days, with your permission.

My task has been made much easier by the hon. Minister whom I wish to congratulate for the consideration he has shown to those who have been pointing out from time to time that the present Act needs amendment.

Sir, I am likely to take long and if you will permit me I will continue my speech on the next day.

Mr. Deputy-Speaker: Yes.

The House then adjourned till a Quarter to Eleven of the Clock on Friday the 16th March 1951.