

Wednesday  
1st September, 1948

THE  
CONSTITUENT ASSEMBLY OF INDIA  
(LEGISLATIVE) DEBATES

(PART I—QUESTIONS AND ANSWERS)

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# CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART I—QUESTIONS AND ANSWERS.)

Wednesday, 1st September, 1948

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Muvalankar) in the Chair.

## STARRED QUESTIONS AND ANSWERS

### (a) ORAL ANSWERS

#### MANUFACTURE OF MOTOR CARS AND TRACTORS IN INDIA

**676. \*Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Industry and Supply be pleased to state whether any firm which has declared its intention to manufacture motor cars in India with immediate effect has been registered?

(b) If so, what is the name of the firm, when was it registered and when did it start manufacturing engines of motor cars in India?

(c) Have any firms made any offer to Government for investment of share capital for such a concern?

(d) If so, which firms and with what result?

(e) Has any concern started the manufacture of tractors in India?

**The Honourable Dr. Syama Prasad Mookerjee:** (a) and (b). Messrs. Hindustan Motors Ltd., Calcutta and Messrs. Premier Automobiles Ltd., Bombay were incorporated under the Indian Companies Act in 1944, for manufacturing motor cars in India. They are at present assembling cars received in completely knocked down condition. They have not yet started manufacturing engines or any parts of motor cars. It is anticipated that they will produce complete cars by 1953-54.

(c) No, Sir.

(d) Do not arise.

(e) No, Sir.

**Mr. R. K. Sidhva:** Barring these two concerns which the Honourable Minister has stated, may I know if there is any other concern which has got an assembly plant in India?

**The Honourable Dr. Syama Prasad Mookerjee:** There are at present nine plants in India which are capable of assembling motor cars; two more are going to be set up shortly.

**Mr. R. K. Sidhva:** Sir, the Honourable Minister stated that the plants are capable of assembling. I want to know whether there are any other plants which are actually assembling?

**The Honourable Dr. Syama Prasad Mookerjee:** Yes, there are the General Motors Ford and a few others.

**Mr. R. K. Sidhva:** Is it a fact that the Motor House Gujerat Ltd. is a recent concern started in Bombay?

**The Honourable Dr. Syama Prasad Mookerjee:** Motor House Gujerat has been started in Bombay. It was anticipated that they will also manufacture cars. Their assembly plant has not yet come. It is just coming into operation, but they have no programme for manufacturing motor cars now.

**Mr. R. K. Sidhva:** Is it not a fact that these assembly plants, under the name of manufacturing motor cars, get concessions from the Government of India and the Government of that Province in all matters such as land and other things?

**The Honourable Dr. Syama Prasad Mookerjee:** The general policy of the Central Government and the Provincial Government is to encourage it.

**Mr. R. K. Sidhva:** Do Government consider this a national industry where all the parts come from foreign countries and they are merely assembled here?

**The Honourable Dr. Syama Prasad Mookerjee:** That is the first step; if the factory starts on an assembly basis, then of course it will start manufacturing. We want to give greater preference to those who have a definite programme for manufacturing here.

**Mr. R. K. Sidhva:** Is there any assembly plant which manufactures any part of a motor car here?

**Mr. Speaker:** That has been answered already.

**Mr. R. K. Sidhva:** No, Sir.

**Mr. Speaker:** He has stated it in the beginning.

**Mr. R. K. Sidhva:** He has stated merely about assembling of parts. I want to know whether apart from the engine any other parts are manufactured by these plants.

**The Honourable Dr. Syama Prasad Mookerjee:** We have programmes for two companies, as I said in my answer, *viz.*, Messrs. Hindustan Motors Ltd. and Messrs. Premier Automobiles Ltd. So far as the former is concerned the construction of the first part of the factory is complete and they have now commenced installing the machine tool equipment received by them. They intend to manufacture the fast-moving parts including engines of cars in the near future. Their cylinder boring machine costing about rupees twenty-five lakhs will arrive in the country by October 1948 and then they intend to take up the manufacture of the engines.

So far as the Premier Automobiles are concerned, they intend to commence the manufacture of radiators, cushion springs, exhaust pipes and stamping by the end of this year, and differential transmitters, propellers, shafts, universal joints and leaf-springs for both cars and trucks by the end of 1949.

**Shri H. V. Kamath:** Why does not Government propose to nationalise this key industry of the manufacture of automobiles?

**The Honourable Dr. Syama Prasad Mookerjee:** I would refer the honourable member to the statement on the Industrial Policy already announced by Government.

**Shri Deshbandhu Gupta:** Is it not a fact that Messrs. Gujerat Motors misrepresented to the Government that they have got an assembly plant and on that account got a very big quota for import of motor cars?

**The Honourable Dr. Syama Prasad Mookerjee:** I shall not say misrepresentation, but certainly there were certain facts which did not prove true.

**Shri Deshbandhu Gupta:** I want to know whether they were shown special consideration on that account.

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

**Pandit Balkrishna Sharma:** Is it not a fact that before a full-fledged motor manufacturing concern can be established, in the beginning it is necessary that it must start as an assembly plant, and as such if the Government wish to encourage the motor industry in our country it becomes necessary that they should give encouragement to these assembly plants?

**The Honourable Dr. Syama Prasad Mookerjee:** That is exactly what I stated. The policy of the Government is to insist that cars in knocked down condition—unless there are any exceptions allowed by Government—will alone be allowed to come into this country. Between January and June 1948 about 12,000 such cars in completely knocked down condition had come, which are being assembled or have been assembled in this country. That is the policy of the Government.

**Prof. N. G. Ranga:** What percentage of the sale price of a car is retained in India as a result of this assembling in India itself?

**The Honourable Dr. Syama Prasad Mookerjee:** Well, I could not get the figures for all cars, but for one or two which I have got here I can give approximate figures.

F.o.b. price for, say, Hindustan 10 is Rs. 3,620. Freight by sea, insurance, etc. Rs. 500. Duty paid to Government 50 per cent., that is Rs. 2,060. Assembling cost of each car Rs. 400.

**Shri H. V. Kamath:** Regarding the statement on industrial policy to which the Minister referred, is the manufacture of automobiles one of the Industries included in the scope of private enterprise?

**Mr. Speaker:** I am afraid it is outside the scope of the question.

**Shri Moturi Satyanarayana:** May I ask in this connection what type of encouragement Government proposes to give to these concerns that are supposed to be industrial concerns for the manufacture of motor cars?

**The Honourable Dr. Syama Prasad Mookerjee:** In fact we called a conference of the representatives of these different firms in Delhi about a fortnight ago and I have in my hands the recommendations which they have made and which are now under consideration of the Government. One is that they would like to have special preference shown to them for importing a larger number of cars—which should come through them rather than through other companies working here. Another is that they would like that the automobile power units should be standardized in India; instead of having engines of various horsepower, we should confine ourselves to three types: 10 h.p., 22 h.p., and 28-30 h.p. They would like Government to set up a factory for the manufacture of ancillary parts in India from which the different factories can draw their share. Also, they would like that the policy enunciated by Government that all cars should be imported in completely knocked down condition should be scrupulously adhered to. There are certain other recommendations also which we are now examining.

**Shri Moturi Satyanarayana:** May I know if price regulation will receive any special consideration—that is the fixing of prices of the motor cars which they assemble here?

**The Honourable Dr. Syama Prasad Mookerjee:** As the honourable member is aware there is no price control over motor cars or trucks.

**Shri H. V. Kamath:** Will the Honourable Minister assure the House that this industry will be subject to strict Central regulation and control as laid down in the statement on industrial policy? I am referring to the statement on industrial policy which is now in my hand.

**The Honourable Dr. Syama Prasad Mookerjee:** The policy of the Government, as announced, will be implemented.

**Mr. R. K. Sidha:** May I know whether there is a difference of import duty on the parts for assembly and the imported motor cars?

**The Honourable Dr. Syama Prasad Mookerjee:** The duty is on the parts. I have given the total—it is about fifty per cent.

**Mr. E. K. Sidhva:** And on the motor cars?

**The Honourable Dr. Syama Prasad Mookerjee:** Between forty and fifty per cent. I believe.

**LIGHTING IN RAILWAY COMPARTMENTS AND AIR OF ROLLING STOCK**

**677. \*Mr. E. K. Sidhva:** (a) Will the Honourable Minister of Railways be pleased to state whether there has been improvement in the lighting of all passenger compartments in all Railways after the last Budget Session?

(b) Have electric bulbs and switches been fitted in all compartments and lavatories?

(c) Is it a fact that 90 per cent. of the carriages require repairs, adjustments and paints?

(d) When are these repairs likely to be carried out?

**The Honourable Dr. John Matthai:** (a) The reply is in the affirmative.

(b) Bulbs have been fitted in compartments and lavatories but it has not been found possible, as yet, to restore train lighting to full pre-war standards. As regards switches, full replacement has been retarded on account of short supplies and continued pilferage.

(c) No.

(d) Steps are being taken to rehabilitate the existing coaching stock as early as possible consistent with the availability of material and workshop capacity.

**Shri E. K. Sidhva:** May I know in reply to the Honourable Minister's statement that sufficient number of electric bulbs and switches are not available and so they are not fitted, how many bulbs and switches have been ordered for during the current year and how many have actually come in the stores?

**The Honourable Dr. John Matthai:** I am not in a position to give an exact reply to that question, but the general position is that during the past year we found it very difficult to get supplies from local manufacturers because their capacity was hindered for various reasons, but the manufacturers of electric bulbs in India have recently been producing more than they used to and from that source, therefore, we are getting better supplies. In addition, my Honourable colleague, the Minister for Industries and Supplies, has also been able to place fairly considerable orders on which deliveries are expected from abroad shortly.

**Seth Govind Das:** Is it not a fact that on certain lines, no compartments—they may be even female compartments or upper class compartments—are lighted at all and for months trains have been running in dark without any light?

**The Honourable Dr. John Matthai:** I am quite aware that there are certain sections of some of the more important Railways, particularly, narrow gauge lines, where the situation is more or less as the honourable member has represented it to be, but we are trying as fast as materials are available to rectify the position.

**Shrimati G. Durgabai:** May I know what steps are being taken to dissuade people from wanton breaking of electric bulbs and switches?

**The Honourable Dr. John Matthai:** There are two things that we are doing in that matter. As far as running trains are concerned, we have instituted a system of Conductors to be in charge of running trains with special responsibility to prevent pilferage, but the great bulk of the pilferage, I believe, takes place when the trains are on stabled or washing lines and we are strengthening the Watch and Ward staff in order to prevent pilferage at washing stands.

**Pandit Balkrishna Sharma:** If I remember aright, the Honourable Minister stated some time ago in the House that the average life of a bulb is thirty-six hours on a train—does that statement still hold good?

**The Honourable Dr. John Matthai:** I think the exact figure that I gave was twenty-four hours. It has improved, I think, since then.

**Dr. P. S. Deshmukh:** Is it not a fact that thefts of bulbs show an appreciable improvement?

**Shri Deshbandhu Gupta:** What steps have Government taken to get the necessary supplies of bulbs and switches?

**The Honourable Dr. John Matthai:** I said in reply to my honourable friend Mr. Sidhva that as far as bulbs are concerned we are getting better supplies from local manufacturers, particularly in Bengal, which I think is the most important centre of production and we are also expecting larger supplies from abroad; therefore, the position is improving. As far as switches are concerned, we are trying to make them in our own workshops on an "austerity" basis. What I mean is this: we are trying to get substitute material from which switches can be made—either wooden switches or bakelite switches and I think a considerable improvement can be made by that.

**Dr. P. S. Deshmukh:** Sir, my question has not been answered.

**Mr. Speaker:** It need not be answered.

**Seth Govind Das:** Is it a fact that there is a method by which, these bulbs can be covered, so that they may not be pilfered?

**The Honourable Dr. John Matthai:** Yes. What has been happening is that glass guards have been broken, so we are trying to replace those with wire guards.

#### UNCLAIMED PACKAGES LYING AT DELHI MAIN AND NEW DELHI RAILWAY STATION

**678. \*Mr. R. K. Sidhva:** Will the Honourable Minister of Railways be pleased to state:

(a) the total number of packages lying unclaimed at the Delhi Main and New Delhi Railway stations as on 1st August, 1948;

(b) how many unclaimed packages have been disposed of after partition and what is the total realisation from the same; and

(c) whether unclaimed packages in such large quantities as at Delhi have been found at other stations in India; if so, whether steps have been taken for their disposal?

**The Honourable Dr. John Matthai:** (a) There were 5,228 and 5,852 unclaimed packages on 1st August, 1948, at Delhi and New Delhi Railway stations, respectively.

(b) 25,860 unclaimed packages were disposed of after partition upto 31st July, 1948, and the amount realised thereon is Rs. 9,70,316.

(c) No. Such quantities of unclaimed packages were not found at any other station on the Indian Government Railways. Wherever, there was any accumulation, the consignments were transferred to the Lost Property Office and disposed of by public auction in the normal way.

**Mr. R. K. Sidhva:** May I know whether the passenger platforms of the Delhi Main Station have been cleared of these unclaimed packages?

**The Honourable Dr. John Matthai:** A very considerable improvement has been made in that direction.

**Shri Deshbandhu Gupta:** Is it a fact that three or four days are taken in the delivery of packages which are brought from outstations by passenger, along with them?

**The Honourable Dr. John Matthai:** There has been probably delay of that kind, but the fault has not been altogether on the part of the Railway.

**Shri H. V. Kamath:** Were the unclaimed packages opened and examined for contraband goods before disposal?

**The Honourable Dr. John Matthai:** Not after they have been landed.— I expect the Law and Order people have their own arrangements for determining whether contraband articles are carried or not.

**Mr. Tajamul Husain:** May I know who the owner of the sale proceeds of these unclaimed packages is?

**The Honourable Dr. John Matthai:** When unclaimed property is sold by auction, the proceeds go to the Railways, that is, Government.

**Mr. R. K. Sidhva:** It is not a fact that in certain cases parcel trains were not unloaded in Delhi station for ten days?

**The Honourable Dr. John Matthai:** There has been a very considerable improvement of congestion in the Delhi Station and arrangements of that kind had to be made.

**Mr. R. K. Sidhva:** May I know whether all the parcel trains are now unloaded immediately on arrival and the packages are delivered to the consignees on the presentation of the Railway Receipt?

**The Honourable Dr. John Matthai:** I think more space is now available in Delhi Station on account of this clearance.

**Mr. R. K. Sidhva:** Is it not a fact that even last week the consignees went with the railway receipts and packages which had arrived fifteen days ago were not delivered till only two days ago?

**The Honourable Dr. John Matthai:** This is rather against the report that I have received, but if the honourable member's information is different, let him give me particulars and I would like to examine them.

#### MANUFACTURE OF SYNTHETIC PETROLEUM

679. **\*Mr. R. K. Sidhva:** Will the Honourable Minister of Industry and Supply be pleased to state:

(a) whether any steps have been taken to implement the provisions of the Act for the manufacture of synthetic oil, as passed in the last session of the Assembly;

(b) if so, whether any expert opinion has been invited and with what result; and

(c) when Government propose to manufacture the first instalment of synthetic petroleum?

**The Honourable Dr. Syama Prasad Mookerjee:** (a) and (b). As no legislation concerning the manufacture of synthetic oil was enacted in the last session of the Assembly, the honourable member presumably refers to the Indian Power Alcohol Act, 1948. The implementation of the provisions of this Act is under consideration.

Since the honourable member has also referred to synthetic oil, I might add that the possibility of manufacturing it from coal is also being actively examined. Government have recently entered into an agreement with Messrs. Koppers Co. Inc., of Pittsburgh, U.S.A., for the preparation of a project study of a scheme for producing up to 1,000,000 tons of synthetic oil per annum from coal. The firm's technicians are engaged on the necessary investigations in India and their report is expected during September, 1948.

(c) As the scheme is still at the project study stage, the question does not arise.

**Mr. R. K. Sidhva:** May I know what are the terms of the agreement which has been entered into with this firm in U.S.A.?

**The Honourable Dr. Syama Prasad Mookerjee:** They will give us a complete report which will enable us to decide whether we should go ahead with the establishment of a factory in India or not after local examination.

**Mr. R. K. Sidhva:** But will they be allowed to establish after this examination their own concern here, or will Government do it, and what will be the charges that will be paid to them for this expert opinion?

**The Honourable Dr. Syama Prasad Mookerjee:** No, Sir. There is no question of their being allowed to start their own factory. They are advising Government to enable Government to set up a factory. So far as the charges are concerned, I believe it comes to somewhere between four and five lakhs of rupees for the entire preliminary report.

**Mr. R. K. Sidhva:** May I know whether three experts from foreign countries—Czechoslovakia and America—had arrived in this country for this purpose?

**Mr. Speaker:** If my memory is correct, I believe questions on this point were put in this House and a large volume of information was supplied. Therefore the honourable member need not repeat those questions.

**Mr. R. K. Sidhva:** I am not repeating. I only wanted to know whether these experts.....

**Mr. Speaker:** Order, order. I have already said these have been answered.

**Shri M. Tirumala Rao:** In what area are these experts carrying on their examination?

**Mr. Speaker:** I am afraid these questions have already been asked and answered in this House.

**Shri H. V. Kamath:** Has there been any cut recently in the supply of petrol to India?

**The Honourable Dr. Syama Prasad Mookerjee:** Well, recently we have got an increased quota due to the representations that we had made. I do not know whether that has been given effect to, but we have been assured of an increased quota.

**Shri H. V. Kamath:** On what basis is petrol allocated to various countries?

**The Honourable Dr. Syama Prasad Mookerjee:** They do not disclose to us on what basis they distribute. I cannot say on what basis they actually distribute.

**Shri H. V. Kamath:** How much has the quota been increased recently?

**The Honourable Dr. Syama Prasad Mookerjee:** By about twelve per cent.

**Shri H. V. Kamath:** Then, why was the basic ration cut?

**The Honourable Dr. John Matthai:** That is a matter that concerns me. If you will permit me, Sir, I will explain it.

**Mr. Speaker:** Yes.

**The Honourable Dr. John Matthai:** The real reason is there has been for the current quarter an increase in the supplies made available to us, but it was found necessary that the basic ration should continue at the present level for two reasons. First of all, there has been a considerable increase in the number of new model vehicles for which necessary provision has to be made.

Secondly, there are important constructional and industrial projects going on which require petrol, and in consultation with the Provincial Governments, we decided that whatever increased quantity of petrol is available, should be made available for purposes of that kind.

**HEAVY MACHINERY FOR STATE OWNED ELECTRICAL GOODS MANUFACTURING  
FACTORY**

**680. \*Mr. B. K. Sidhva:** Will the Honourable Minister of Industry and Supply be pleased to state:

(a) whether Government have entered into an agreement for the purchase of heavy electrical machinery for the establishment of a State owned factory in India for manufacturing electrical goods;

(b) if so, what the details of the agreement are; and

(c) if not, whether any negotiation is in progress towards that?

**The Honourable Dr. Syama Prasad Mookerjee:** (a) No, Sir.

(b) Does not arise.

(c) Government are considering the possibility of establishing the manufacture of Heavy Electrical Plant to meet the growing demand in connection with Government and non-Government development schemes. For this purpose, preliminary discussions are going on with certain foreign manufacturers.

**Mr. R. K. Sidhva:** May I know the lines on which these negotiations are going on with foreign countries, Sir? Is there any condition attached that if the foreign countries are given any contract, they will train Indians particularly, for this purpose?

**The Honourable Dr. Syama Prasad Mookerjee:** I have got here, sir, two estimates which were handed over to me last week, one from the International General Electric Company (here is a bulky report) and the other is from the English Electrical Company. We have got reports also from Westing House and General Electric Company and some others. We expect also an offer from a well-known Company in Switzerland. The whole matter is now under very careful examination of Government and I will not like to discuss details which are now discussed with different parties. But I can tell the House that their representatives have already arrived in New Delhi with final powers to settle with Government whenever Government is in a position to make such final settlement.

**Mr. R. K. Sidhva:** May I know whether Government will make one condition that they will train our nationals before any contract is given to them.

**The Honourable Dr. Syama Prasad Mookerjee:** Obviously that need not be asked. That is an obvious condition

**KEY INDUSTRIES STARTED BY GOVERNMENT**

**+681. \*Shri Lakshminarayan Sahu:** Will the Honourable Minister of Industry and Supply be pleased to state what key industries of national importance Government have started or propose to start in the course of the next one year?

**The Honourable Dr. Syama Prasad Mookerjee:** Government are already controlling or operating certain factories for the manufacture of Aircraft, Scientific Instruments and Salt. A Government factory for the manufacture of Ammonium Sulphate is nearing completion at Sindri and proposals for the development of the following industries are being examined:—(i) Iron and Steel, (ii) Machine Tools, (iii) Ship-building, (iv) Heavy Electrical Plant and Machinery, (v) Penicillin and Sulpha drugs, (vi) Telephone cables and High Tension Insulators, (vii) Automatic Telephone and Carrier equipment, and (viii) Synthetic Petrol.

A Government factory for the manufacture of Automatic Téléphones and Carrier equipment is expected to be established before April, 1949. As regards the other industries mentioned above, I am not in a position to indicate at this stage which of them will be started in the course of the next year.

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+Answer to this question laid on the table, the questioner being absent.

RESTORATION OF DISMANTLED RAILWAY LINES IN BIHAR

682. \*Shri B. P. Jhunjhunwala: (a) Will the Honourable Minister of Railways be pleased to state the Railway lines in Bihar which were dismantled before or during the last war?

(b) Was any representation made to Government for the restoration of any such line; and, if so, for which lines, and what action have Government taken in this matter so far and what do they propose to do in future?

The Honourable Dr. John Matthai: (a) The following lines in Bihar were dismantled during the last War: (i) Tinpahar-Rajmahal, (ii) Bhagalpur-Mandarhill.

(b) Representations have been received by the Government for restoration of both the above lines. The projects were considered by the Central Board of Transport at their 12th meeting held on 29th July 1948, and it was decided that in the case of Tinpahar-Rajmahal line, the results of the preliminary investigation into the Ganga Barrage Scheme which would fix the point of river crossing and may necessitate change in alignment, should be awaited before a final decision is taken; and that in the case of the Bhagalpur-Mandarhill line, there was no financial or other justification for its restoration.

Shri B. P. Jhunjhunwala: Are there any lines in the O.T. Railway which has been dismantled?

The Honourable Dr. John Matthai: Not that I am aware of. These are, I think, the two lines which are dismantled and the restoration of which has been requested.

FREEZING OF TEXTILE STOCKS

683. \*Shri H. V. Kamath: Will the Honourable Minister of Industry and Supply be pleased to state:

(a) whether the attention of Government has been drawn to a leaderette in the *Statesman* dated 7th August 1948, in the course of which it has been alleged, "that West Bengal apparently received instructions to freeze mills' stocks later, on July 30, than Bombay has aroused comment; but similar instructions are said not to have reached the Nagpur authorities until August 2 . . . . In Calcutta, cloth in godowns was not frozen until August 4, and action was not started until about seven hours after the matter had been discussed at a conference with the trade. What percentage of the cloth the authorities have managed to lay their hands on is doubtful; there seem grounds for thinking that a substantial quantity may since July 30 have passed 'out of sight'. If so, it will not be easy to trace . . . .";

(b) whether the allegations contained in para. (a) above are true; and

(c) if the answer to part (b) above be in the affirmative, why were the arrangements made for freezing stocks not adequate?

The Honourable Dr. Syama Prasad Mookerjee: (a) to (c). Both the question and the leaderette in the *Statesman* of 7th August 1948 referred to by the honourable member are based on a misunderstanding of the position. Under the scheme of control as well as under the Cotton Textiles (Control) Order, 1948, only the Textile Commissioner to the Government of India has the power to freeze the stocks of cloth and yarn with the mills and it was he who froze the stocks of all the mills in India under his Notification No. 90/14-Tex. 1/48 issued under a Gazette Extraordinary dated the 30th July 1948. No question of freezing of mill stocks by the Provincial Governments therefore arises. All the Provincial and State Governments were also informed of the Cabinet's decisions and the measures to be adopted thereunder by a immediate secret

telegram of 29th July 1948. The Provincial Governments no doubt had to ensure that the frozen cloth did not leave the mills' premises and a telegram to secure precautions was sent to all Provincial Governments by the Textile Commissioner, Bombay, on the 2nd August 1948. According to information available to us, it so appears that all the Provincial Governments acted promptly on receipt of those telegrams.

**Shri H. V. Kamath:** Is the Honourable Minister sure, Sir, that police pickets were posted outside all the mills to prevent the disappearance of cloth bales underground?

**The Honourable Dr. Syama Prasad Mookerjee:** I am satisfied that the Provincial Governments did take prompt action.

**Shri H. V. Kamath:** Were all the mills guarded by police pickets and was not a single mill left out in Delhi?

**The Honourable Dr. Syama Prasad Mookerjee:** The order issued by the Government of India was carried out by Delhi also.

**Prof. N. G. Ranga:** Why was this discrepancy in the dates and the times in the different Provincial Governments giving effect to the order of the Government of India?

**The Honourable Dr. Syama Prasad Mookerjee:** There might have been a difference of a few hours. I can tell the House that certain complaints were made to me against the West Bengal Government. I personally enquired into the matter with the Premier of West Bengal and the Inspector-General of Police and I am satisfied that prompt action was taken.

**Prof. N. G. Ranga:** May I ask whether in Delhi there was no undue delay caused in enforcing the Government's order?

**The Honourable Dr. Syama Prasad Mookerjee:** Nothing has been brought to my notice. I do hope that the Delhi Administration will do its duty.

**Prof. N. G. Ranga:** What prevented the Government from issuing orders to all the Governments and all the mills at one and the same time and why the order was not executed by the hour as well as the minute and why was the choice given to the Provincial Governments? Why did they delay it by even an hour and why was there no uniform application of this order?

**The Honourable Dr. Syama Prasad Mookerjee:** I think the honourable member is under a misapprehension. Telegrams were sent out at the same minute and the same hour from Delhi and from Bombay. But there might have been some delay actually in the telegrams reaching the Provincial capitals and there might have been some difference of a few hours.

**Shrimati Renuka Ray:** In a matter of such importance why was no arrangement made to see that there should be no discrepancy in time?

**The Honourable Dr. Syama Prasad Mookerjee:** There was no discrepancy at all.

**Mr. Speaker:** The point seems to be that instead of sending telegrams requesting the Provincial Governments to take immediate action, why were they not informed that action should be taken on such and such a date and at such and such a fixed hour. Action may have been delayed by twenty-four hours, but the action should have been simultaneous.

**The Honourable Dr. Syama Prasad Mookerjee:** Action was taken, Sir, on a particular date. In fact some provinces took action even before the Gazette Extraordinary was issued in Delhi. In fact they were asked to take action in the morning of a particular date. The telegrams reached them the previous afternoon and instead of waiting for the Gazette Notification to be issued they did take action in which I did not interfere.

**Shrimati/Renuka Ray:** In view of such things, does it not mean.....

**Mr. Speaker:** Order, order. No questions regarding inferences and arguments can be allowed. The question has been sufficiently answered.

**Mr. R. K. Sidhva:** May I ask why telephones were not utilized for this purpose?

**Mr. Speaker:** I do not think arguments will be permissible.

**Prof. N. G. Ranga:** Were these telegrams sent in cypher or in ordinary form in order to prevent any sort of leakage either through the Post Office or Telegraph Office?

**The Honourable Dr. Syama Prasad Mookerjee:** The important message went in cypher, then detailed instructions followed.

**Shri H. V. Kamath:** Is it not the practice of Government to ensure simultaneous action in all provinces in important matters?

**The Honourable Dr. Syama Prasad Mookerjee:** This was an additional precaution which the Government of India decided to take, which does not come really into the general scheme and Government satisfied itself that simultaneous action was taken throughout.

#### TRAINING SCHOOL FOR PILOTS AT ALLAHABAD

**634. \*Shri V. C. Kesava Rao:** (a) Will the Honourable Minister of Communications be pleased to state whether there is any proposal to start a training school for pilots at Allahabad?

(b) If so, what would be the training capacity of the school and what will be the method of selection of trainees?

**The Honourable Mr. Rafi Ahmad Kidwai:** (a) Yes, Sir.

(b) I place on the table a statement showing an outline of the scheme which indicates the number of candidates proposed to be trained and the method of selection of the candidates.

#### Statement

##### *regarding Scheme for Training in Civil Aviation*

A scheme for the training of commercial pilots, as briefly described below, has been accepted in principle by Government.

2. The aim is to produce up to 300 "B" Licence pilots over a period of three years. The training will be divided into three stages, as follows:

(i) *Flying Clubs.*—Suitably equipped Clubs will be entrusted with the "pre-entry" training of pilots up to A.I. Licence standard to prepare them for admission to the Government Flying School.

(ii) *Flying School.*—Instruction up to "B" Licence standard will be given in a course occupying about six months, including about 50 hours single engine and up to 75 hours twin-engine flying.

(iii) *Operating Companies.*—Companies employing pilots who have been trained under the Scheme will be responsible for converting them on to the types of transport aircraft which they operate and for giving them the requisite further training and experience as 2nd-pilots to enable them to qualify eventually as Captains.

3. All Flying Clubs which are subsidised by the Central Government and are provided with instructional and engineering staff adequate to support a definite commitment for "pre-entry" training will be asked to join in the Scheme. The participating Clubs will be offered the loan of Chipmunk or Tiger Moth aircraft, as they become available, to provide a total strength of not less than four loaned aircraft, or such other number as may be agreed upon according to the size of the commitment and the aircraft owned by the Club. Government will undertake responsibility as soon as circumstances permit for major overhauls and repairs to the aircraft employed in the Scheme and for this purpose will create a Repair Organisation and a Pool of training aircraft to facilitate rapid replacement of unserviceable machines. Club-owned Chipmunks and Tiger Moths may be absorbed into the Pool on the understanding that they will be returned or replaced on an equitable basis on the winding up of the Pool.

4. The existing terms of subsidy to Flying Clubs from Central Government Funds will remain unchanged except in the following respects :

- (a) For "pre-entry" pupils, the age limit shall be from 18 to 23.
- (b) In lieu of the bonus of Rs. 250 paid by Government for each "A" Licence, the bonus for each "pre-entry" pupil qualifying for an A.I. Licence shall be Rs. 500.
- (c) As a condition of the loan of aircraft, the Club will be bound to devote the full allotted commitment for the training of "pre-entry" pupils until it is completed in each period set by Director General of Civil Aviation in India for the purpose

- (d) Increments to the Accident Reserve Fund of the Club in respect of flying by loaned aircraft shall be credited to a special account at the disposal of Government, and subject to such orders as Government may decide.

5. Responsibility will be placed on each Club for selecting pupils for training, eliminating those who prove unfit in the course of training and testing and passing out those who successfully complete the course. These processes will be conducted in conformity with uniform standards laid down by Director General of Civil Aviation in India. A representative of the Director General of Civil Aviation in India will be nominated to attend each Selection Board. Flight checks will be carried out by officers appointed for the purpose by the Director General of Civil Aviation in India.

6. The selected candidates will be required to join the Club as flying members and to pay for their training at regular club rates (for subsidised Flying Clubs, Rs. 15 per hour). The fee charged for the course of training at the Flying School will be Rs. 5,000, of which Rs. 2,500 will be returnable for a pupil who qualifies for a "B" Licence. The general conditions for admission to the Flying School will be as follows :

- (a) *Nationality.*—Only Indian nationals will normally be admissible.
- (b) *Educational qualifications.*—Not below Intermediate Science or its equivalent.
- (c) *Physical.*—Pass the medical examination for "B" Licence pilot before commencing "pre-entry" training.
- (d) *General fitness.*—Pass a Selection Board conducted by an authorised Flying Club before commencing "pre-entry" training.
- (e) *Flying experience.*—Complete a "pre-entry" course up to A.I. Licence standard at an approved Flying Club.
- (f) *Fee.*—Deposit a fee of Rs. 5,000 of which Rs. 2,500 will be returnable to pupils who successfully pass the "B" Licence course.
- (g) *Approved Employment.*—Sign an undertaking to accept employment in Civil Aviation for a period of two years in a capacity and on terms approved by the Director General of Civil Aviation, and to enrol, if required by Government, in a Reserve or Auxiliary Service of the Indian Air Force.

7. The Flying School will be located at Bamrauli Aerodrome, Allahabad, and will be capable of an intake of 35 trainees each six months at the outset, rising to possibly 70 each six months after expansion of the School in the second year when some experience has been gained. The Scheme aims at eliminating unsuitable pupils as effectively as possible during their training at the Flying Clubs, where a wastage of 50 per cent. is anticipated. Including an allowance for this wastage, each "pre-entry" pupil trained at a Club will, it is calculated, represent not less than 150 hours flying. On this period, in the initial period, the flying to be done by the Clubs will total about 10,500 hours per annum, rising to about 20,000 hours per annum after the proposed expansion. In the initial period, therefore, if the "pre-entry" training is divided amongst six Clubs, the flying to be done by each Club will be at the rate of 1,750 hours per annum. After the expansion, the number of participating Clubs may be increased, or the commitment placed on each Club enlarged.

8. From the above figures, it will be seen that the Clubs will not be asked to make such a large contribution to the Scheme as to submerge the interests of their ordinary members. The participating Clubs will be free to offer facilities for flying by ordinary members to the extent permitted by the resources of the Club, after meeting the commitment for "pre-entry" training.

**Mr. R. K. Sidhva:** May I know when the school will be started in Allahabad?

**The Honourable Mr. Rafi Ahmad Kidwai:** Arrangements are nearly complete and before the close of the year, a section will be started.

**Mr. R. K. Sidhva:** Is it not a fact that the Honourable Minister, in the last session, in reply to a similar question of mine said that the school will be ready for accepting students in the month of June this year?

**The Honourable Mr. Rafi Ahmad Kidwai:** There have been difficulties in the recruitment of training staff and now we are training the trainers.

**Shri H. V. Kamath:** Who will be in charge of the school?

**The Honourable Mr. Rafi Ahmad Kidwai:** Mr. Katju has been appointed Principal.

**Shri H. V. Kamath:** May I know, Sir . . . .

**Mr. Speaker:** He need not go into the details.

**Mr. R. K. Sidhva:** Is the Honourable Minister aware that there is a great demand for pilots and whether there is a great shortage of pilots?

**The Honourable Mr. Rafi Ahmad Kidwai:** That is true.

**Mr. R. K. Sidhva:** May I know the number of students the school will be able to take?

**The Honourable Mr. Rafi Ahmad Kidwai:** Our aim is to train 800 pilots within three years time.

**Begum Aizaz Rasul:** Are there any women applicants for pilots training?

**The Honourable Mr. Rafi Ahmad Kidwai:** There is no one trained except the trainers.

**Begum Aizaz Rasul:** Are there any applications from women?

**The Honourable Mr. Rafi Ahmad Kidwai:** I do not know.

**Mr. Speaker:** Order, order; next question.

#### ASSAULT ON RAILWAYMEN AT KANTABANJI BY MILITARY OFFICERS

**685. \*Shri Yudhishthir Mishra:** Will the Honourable Minister of Railways be pleased to state:

(a) whether it has been brought to the notice of Government that two military officers of the Military Special No. P/165 which passed through Kantabanji (Bengal Nagpur Railway, Vizag-Raupur Line) on 28rd July, 1948, assaulted the Station Master of Kantabanji, a number checker and an off-duty guard;

(b) whether it is a fact that the said Railway employees have reported the incident to the A. C. O. at Titilagarh, the D. T. O. and the General Manager, Bengal Nagpur Railway;

(c) what steps Government propose to take for the protection of the Railway employees in future; and

(d) whether Government propose to compensate the employees who have been assaulted while on duty?

**The Honourable Dr. John Matthai:** (a) Yes.

(b) Yes.

(c) There is already a Railway Police Station at Kantabanji and the incident being an isolated one no special measures are considered necessary.

(d) The whole incident is under investigation and action as found necessary will be taken in the light of the results thereof.

**Shri Yudhishthir Mishra:** Is it not a fact that the military officers in question were dead drunk when they assaulted the railway employees?

**The Honourable Dr. John Matthai:** I would not like to commit myself to any statement because all the facts are under investigation. Such an allegation has been made.

**Shri Yudhishthir Mishra:** Has the Honourable Minister drawn the attention of the Honourable the Minister for Defence, to this incident?

**The Honourable Dr. John Matthai:** What we are proposing to do is to set up a Committee composed of representatives of the Railway and Defence Ministries to go into this matter.

**Shri H. V. Kamath:** Does Government propose to issue instructions to military personnel that they should now behave as the people's army and not as the occupation army of the British, as they have been used to for years?

**The Honourable Dr. John Matthai:** I will convey the suggestion to my honourable colleague the Defence Minister.

#### STEEL AND IRON FACTORY FOR CENTRAL PROVINCES

†686. \***Mr. R. K. Sidhva:** Will the Honourable Minister of Industry and Supply be pleased to state:

(a) whether the scheme to instal a Steel and Iron Factory in C. P., of which mention was made by the Honourable Minister in the last Budget Session, has been completed;

(b) if not, what stage it has reached;

(c) in what district of the C. P. the plant is proposed to be installed and what the capacity of its output is; and

(d) when the plant is likely to be completed and whether orders for the import of machinery have been sent?

**The Honourable Dr. Syama Prasad Mookerjee:** (a) to (d). I presume the honourable member is referring to the Government's proposal to set up new Steel Works for increasing steel production by one million tons. No announcement was made regarding the location of the Works as the matter is still under consideration. Consulting Engineers have been appointed for making a preliminary technical survey and report which will cover recommendations regarding the location of the Works.

#### MANUFACTURE OF AIRCRAFTS

†687. \***Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Industry and Supply be pleased to state whether any attempt has been made by Government to manufacture R.I.A.F. and Civil aircrafts in India?

(b) Have any foreign concerns applied to Government for permission for the construction of factories in India?

(c) Have The Hindustan Aircraft Ltd. at Bangalore any expert who could manufacture such aircrafts?

**The Honourable Dr. Syama Prasad Mookerjee:** (a) No such attempt has been made by Government as such but Hindustan Aircraft, Ltd., Bangalore, two-thirds of the shares of which are owned by the Government of India, are manufacturing aircraft for the R. I. A. F. No manufacture of Civil aircraft has been taken up yet.

(b) Yes; two or three have.

(c) The team of experts which Hindustan Aircraft Ltd. have are manufacturing and can manufacture aircraft but they need further strengthening.

†Answer to this question laid on the table, the questioner having exhausted his quota.

## JUTE INDUSTRY

**688. \*Shri Damodar Swarup Seth:** Will the Honourable Minister of Industry and Supply be pleased to state:

(a) whether Government are aware of the following three trends in the jute industry:—

- (i) rising cost of production, especially the cost of raw-material;
- (ii) inability to plan ahead because of the uncertainty of obtaining steady supplies of raw jute and regular facilities for supplying manufactured goods to customers abroad; and
- (iii) accumulating evidence of consumer resistance to jute products particularly in the United States of America; and

(b) whether Government propose to call a conference of the interests concerned to consider ways and means to check these trends affecting not only the fortunes of West Bengal but of the whole economy of the Indian Union?

**The Honourable Dr. Syama Prasad Mookerjee:** (a) Yes.

(b) The questions are already engaging the attention of Government, and discussions have taken place between the various Ministries and the Provincial Governments concerned. A Conference with other interests will be called when found necessary.

## LEAKAGE OF DECISIONS AT TEXTILE CONFERENCE RE PARTIAL CONTROL

**689. \*Seth Govind Das:** Will the Honourable Minister of Industry and Supply be pleased to state:

(a) whether it is a fact that the Textile Conference that met on the 22nd July 1948 decided about the proposals for partial control on textiles;

(b) whether Government are aware of the leakage of these decisions in the *Statesman* before the public announcement was made by the Honourable Minister; and

(c) whether Government are aware that a large amount of cloth transactions have taken place during the one week's time that Government took for announcing their decisions?

**The Honourable Dr. Syama Prasad Mookerjee:** (a) The Conference of Provincial Premiers and States' Ministers to which the honourable member is apparently referring was held on the 21st July 1948 and certain recommendations in regard to textile policy were made to Government at this Conference.

(b) There was no leakage of Government decision which was taken by Cabinet on 28th July, 1947. Some guesses of Government's decisions may have appeared in the papers.

(c) Government are not aware of such transactions but, as the honourable member is no doubt aware, along with the freezing orders, Government have called upon all mills to furnish information in regard to all sales of cloth and yarn between the 20th and 30th July 1948. Suitable action will be taken when these lists are scrutinized.

**Seth Govind Das:** Are the Government aware that in many papers both English and vernacular the news has appeared that there has been leakage as far as the decisions of the Government are concerned?

**The Honourable Dr. Syama Prasad Mookerjee:** I do not see how that is possible. The Cabinet decided the matter on the 28th of July 1948 and the Government took action within twenty-four hours.

**Seth Govind Das:** Is the Honourable Minister aware that within the twenty-four hours have been certain transactions and the news appeared in various papers?

**The Honourable Dr. Syama Prasad Mookerjee:** That is hardly possible. I am not aware of any transaction within five or six hours of the decision of the Cabinet. As I have stated, we have already passed orders calling for information in regard to all transactions from the date of the Premier's Conference to the date on which the Government order was issued and full details of the transactions will be communicated to the Textile Commissioner which will be scrutinised by him.

**Seth Govind Das:** Has the Honourable Minister seen the reports in various papers, and if so, why no contradiction or communique was issued by the Government denying that there was any leakage?

**The Honourable Dr. Syama Prasad Mookerjee:** I have not seen any press statement that between the 28th and the 29th, for about six or seven hours before the Government decision was enforced, there were any large scale transactions. If the honourable member could draw my attention to any, I shall look into the matter.

**Dr. B. V. Keskar:** Is it not a fact that the decisions of Government, even most secret decisions, invariably leak out immediately?

**Mr. Speaker:** That is too general a question.

**Dr. P. S. Deshmukh:** Is it not a fact that after all is said and done there has been considerable mismanagement so far as this matter is concerned?

**Mr. Speaker:** Order, order. That has nothing to do with this question.

**Mr. B. K. Sidhva:** May I know whether the Government intend to take action to recover the huge amount of profit made by the industry after the time of decontrol and before the freezing of cloth?

**The Honourable Dr. Syama Prasad Mookerjee:** That is a matter which, as I have said a number of times, is under the consideration of the Government.

**Prof. N. G. Ranga:** Is it not a fact that this thing has been under the consideration of the Government for several months now and the Government has not been able to come to any decision?

**The Honourable Dr. Syama Prasad Mookerjee:** I shall myself be guilty of serious leakage if I give out any information on this point.

**Shri Moturi Satyanarayana:** May I know, in order to prevent such leakages, the Government will consider the advisability of keeping the proposals and plans of such Conferences secret?

**The Honourable Dr. Syama Prasad Mookerjee:** I think in regard to this matter at any rate it has so happened that the Government decision was not known to anybody. It took the entire organisation and others interested by surprise. Action was promptly taken by the Government.

#### IMPORT OF FUEL OILS AND ESTABLISHMENT OF SYNTHETIC OIL INDUSTRY

690. \***Dr. Raghu Vira:** (a) Will the Honourable Minister of Industry and Supply be pleased to state what arrangements have been made to secure an adequate supply of fuel oils from abroad and to establish synthetic oil industry in this country, with a view to reduce the demand for imports of oil?

(b) Have any attempts been made to establish trade relations with Burma and to secure the supply of petrol produced in that country?

**The Honourable Dr. Syama Prasad Mookerjee:** (a) Government are fully aware of the difficult oil position in the country and have made sustained efforts to secure increased supply. Representations have been made to H.M.G. and the principals of Oil companies who control India's main source of supply in the Middle East. As a result, the quantity of Oil that is likely to be made available during the second half of 1948 is 12 per cent in excess of that imported in the 1st half of the current year.

Government are also actively pursuing the question of manufacturing Synthetic Oil and a survey is now in progress.

(b) Our trade relations with Burma are at present regulated by an agreement signed in April 1941. This agreement does not provide for the import of any specified quantity of petrol from Burma but merely regulates the duty leviable on such imports.

According to information available with us, I do not think that the Burma Oil fields will be rehabilitated in the near future, and there is, therefore, little immediate prospect of getting supplies from that source.

**Dr. Raghu Vira:** Will the Honourable Minister kindly let me know if it is not in the interests of India to help Burma in rehabilitating the oil fields of Burma?

**Mr. Speaker:** I am afraid he is asking for opinion.

**Shri H. V. Kamath:** How much oil did Burma use to produce before the war, before the oil-fields were devastated.

**The Honourable Dr. Syama Prasad Mookerjee:** I do not know how much Burma produced. I can tell you how much we used to get from Burma. I am afraid I have not got the figures here.

**Shri H. V. Kamath:** How much did we use to get?

**Mr. Speaker:** The Honourable Minister says the figures are not available here.

**Prof. Shikhan Lal Saxena:** What is the amount of oil produced in our country?

**Mr. Speaker:** This question has already been dealt with at some length some time before.

**Shri H. V. Kamath:** Does the Honourable Minister think that Burma with all her grave preoccupations will be able to supply oil to India in the near future?

**The Honourable Dr. Syama Prasad Mookerjee:** So far as the position of Burma is concerned, I cannot make any definite statement. But, we did make enquiries and we were told that there is no early possibility of Burma being rehabilitated. So far as our own position is concerned, we consume about 180 million gallons of Motor oil of which we produce only 17 or 18 million gallons, we consume 18 million gallons of Aviation oil of which we produce nothing; we consume 800,000 tons of kerosene oil, 360,000 tons diesel oil, 700,000 tons of Furnace oil and 70,000 tons of oil of other products. Before the war, we used to get 75 million gallons of petrol from Burma.

#### RESEARCH FOR IMPROVING VARIETIES OF TOBACCO

691. **\*Shri V. C. Kesava Rao:** (a) Will the Honourable Minister of Agriculture be pleased to state what Research is being carried on to improve the varieties of tobacco grown in India?

(b) Have the improved varieties been tried on commercial scale and if so with what results?

**The Honourable Shri Jairamdas Doulatram:** (a) Research work on cigarette tobacco is being carried out at the Central Research Station, Guntur which was set up in 1936, and is now under the control of the Indian Central Tobacco Committee, which was created in 1945. A report on the work done during the

first ten years by the Research Station will shortly be published by the Committee. This station has been conducting Research in connection with the breeding of improved varieties of cigarette tobacco suitable for Indian conditions. The investigations being carried on include a study of (a) the effect of various manures on the quality of cigarette tobacco leaf (b) soil conditions (c) rotation of crop on the growth and quality of the subsequent tobacco crop etc. One of the achievements of this Research Station is the evolution of a new type of cigarette tobacco called Amerelo 5.

For Bidi tobacco, a research station has been set up at Anand in Gujerat. The work in this station was started in 1947, and so far varietal trials, improvements in certain field practices and preliminary studies in wilt resistance have been carried out. A sub-station for this type has also been started at Nipani in the Belgaum area.

For research on other types of tobacco separate stations and sub-stations are proposed to be set up in different places.

(b) Only a very few new varieties of commercial importance have been evolved so far but no systematic trials thereof have yet been carried out. In the case of Amerelo 5, though it has been found to possess certain very desirable characteristics, its acceptability in manufactures has not yet been established and therefore, its cultivation on a commercial scale has not been officially recommended yet. The Indian Central Tobacco Committee is, however, aware of this aspect of the problem. Recognising the improved features of the bidi types evolved at Anand, the Committee has sanctioned a scheme for bringing larger areas under those improved types.

**Shri H. V. Kamath:** Does the Honourable Minister consider that tobacco is deleterious to human health?

**The Honourable Shri Jairamdas Doulatram:** I think, the vast masses of people do not think so.

**Shri V. C. Kesava Rao:** May I know what are the varieties of tobacco in which research is being carried out?

**The Honourable Shri Jairamdas Doulatram:** The main variety which has been evolved is the Virginia type; and, as honourable members know, it is being exported in large quantities outside, the U.K. being a big purchaser.

**Shri M. Tirumala Rao:** May I know at what stage is the development of the new research station sanctioned for Rajahmundry where already an officer is posted?

**The Honourable Shri Jairamdas Doulatram:** It will be started very soon.

**Prof. N. G. Ranga:** Do these studies also include studies as regards improved marketing facilities for tobacco?

**The Honourable Shri Jairamdas Doulatram:** Not at present.

**Shri B. N. Munavall:** May I know what quantities of tobacco are destroyed every year for non-payment of taxes and what quantity was destroyed on that account this year?

**The Honourable Shri Jairamdas Doulatram:** I cannot say without notice.

**Shri K. Hanumanthaya:** May I know the acreage under tobacco cultivation in India?

**The Honourable Shri Jairamdas Doulatram:** About ten lakh acres are under tobacco.

**Shri M. Tirumala Rao:** Since the loss of Rangpur in Eastern Pakistan are Government making any efforts to produce the rich and finer varieties of tobacco that Rangpur used to supply to India and other places?

**The Honourable Shri Jairamdas Doulatram:** Government will consider that.

**Shri H. V. Kamath:** Are there any pests that attack and thrive on tobacco?

**The Honourable Shri Jairamdas Doulatram:** I referred to one of them which is called wilt.

#### PROTECTION OF WILD BIRDS AND ANIMALS

**692. \*Shri V. C. Kesava Rao:** Will the Honourable Minister of Agriculture be pleased to state what steps have been taken for the preservation and protection of wild birds and animals in the country, especially the types that are about to become extinct?

**The Honourable Shri Jairamdas Doulatram:** The necessary information asked for is being collected from the Provincial Governments and States and on receipt will be placed on the table of the House in due course.

**Shri H. V. Kamath:** Owing to the portentous menace of the atom bomb is not man himself on the verge of extinction?

**Mr. Speaker:** Order, order. I might make one suggestion to honourable members that occasional wit and humour is certainly permissible but it is not conducive to the dignity of the House or the responsible nature of the work that we are doing, to put in absolutely frivolous questions and create waves of laughter, every now and then. I may also say that, if I find members persisting in that kind of thing, they will not be able to catch my eye for putting further questions.

**Dr. P. S. Deshmukh:** Is not the Agriculture Department more concerned with the destruction of wild birds and animals than their preservation?

**The Honourable Shri Jairamdas Doulatram:** The Agriculture Department has also to consider the effect on crops of destructive action by certain types of animals.

**693. [CANCELLED].**

#### DEVELOPMENT OF A PORT BETWEEN COCHIN AND BOMBAY

**694. \*Shri V. C. Kesava Rao:** (a) Will the Honourable Minister of Transport be pleased to state whether a final decision has been taken on the proposal for the development of a port between Cochin and Bombay into a major one?

(b) Which are the minor ports considered by Government as suitable for development and what are the proposals of the Committee that investigated the question?

**The Honourable Dr. John Matthai:** (a) No; the report of the West Coast major port development committee regarding the question of a deep-sea port between Cochin and Mormugoa has not yet been received.

(b) Does not arise.

#### MACHINERY ALLOCATED TO INDIA AS WAR REPARATIONS

**†695. \*Shri Lakshminarayan Sahu:** (a) Will the Honourable Minister of Industry and Supply be pleased to state what machinery has been allocated to India as war reparations?

(b) What portions thereof have been received and where are they installed and worked?

**The Honourable Dr. Syama Prasad Mookerjee:** (a) It is presumed, the honourable member has in mind the plant and machinery allocated to India from Germany by way of reparations. Capital equipment worth Reich Marks 1,28,70,859 (the rupee value of which is about the same figure) comprising mainly general purposes machine tools, was allocated to India both before and after the Partition upto the end of May, 1948.

†Answer to this question laid on the table, the questioner being absent.

(b) Plant and machinery worth Reich Marks 50,98,986 has so far been received in India. None of the items constitutes a self-contained productive unit. It is proposed to utilise this equipment as far as possible in setting up factories for the manufacture of machine tools, aero-engines, etc.

#### SURPLUS MILITARY STORES AND STORES TAKEN OVER FROM U. K. AND U.S.A.

†696. \***Shri Lakshminarayan Sahu:** (a) Will the Honourable Minister of Industry and Supply be pleased to place on the table of the House a statement of the surplus stores including the surplus military stores of the last war and the stores taken over from the United Kingdom and the United States of America showing: (i) machine tools; (ii) complete plants with description; and (iii) machine parts; along with information about the period or periods for which these stores have been lying surplus?

(b) Have Government considered whether these surplus stores can be utilised towards meeting the existing deficiencies in machinery?

**The Honourable Dr. Syama Prasad Mookerjee:** (a) Statements showing (1) machine tools, and (2) complete plants available in British and Indian surpluses are placed on the Table. Machine parts are not a recognised category of stores, but there is a fairly large quantity of spares and small tools available in Disposals. As for American surpluses, the lists are maintained on the basis of depots. The very short notice, which I had on this question, did not permit of the preparation of separate lists according to the nature of the stores.

American surpluses were taken over in April, 1946. British and Indian surpluses have arisen from time to time and there are fresh declarations even now. It is, therefore, impossible to make a general statement as to the length of time during which stores have been held.

(b) Yes, I would invite the honourable member's attention, to the reply I gave on the 16th August, 1948 to a question dealing with the recommendations of the Disposals Utilization Committee as also the Government's Resolution on the proposals made by that Committee.

#### Statement I

##### Showing Machine Tools

The quantities of Machine Tools available for disposal in various categories are as follows:

(1) Lathes	...	...	340
(2) Drilling Machines			793
(3) Planing Machines			20
(4) Shaping Machines	...	...	30
(5) Slotting Machines	...	...	6
(6) Milling Machines	...	...	38
(7) Grinding Machines	...	...	362
(8) Miscellaneous Machines	...	...	647
		<b>Total</b>	<b>2,436</b>

**Note.**—The detailed lists of these Machine Tools will involve 2,436 machines, and in this short period it was not physically possible to prepare such a list. If desired and sufficient time permitted, the detailed, list of these Machine Tools could be placed on the table. As already stated we have not sufficient number of Machine Tools to satisfy all the Government demands against important projects in hand and proposed Government sponsored Industries.

† Answer to this question laid on the table, the questioner being absent.

## Statement II

*List of Complete Plants available for disposal*

1. Water Supply Installation Plant at Mehadrigedda (Vizagapatam District) consisting of 7 Pumping Sets, 1 Transformer complete with Motor Equipment, Distribution Mains, etc., and 1 Purification Plant with Chlorination apparatus, etc.

Estimated out turn of Plant as complete Unit 7 lakhs Gallons per day.

2. Dehydration Machinery at Meat Dehydration Factories at Amritsar, Delhi Cantt., Agra, Poona and Patna—consisting of Driers, Air Compressors, Meat Cubing Machine, Mincing Machine and Cold Storage Units (500 and 2,000 Cubic Ft.).

3. Vegetable Dehydration Plant at Government Vegetable Dehydration Factory, Fateh-gard—consisting of Boiler, Ram Pump Double Cylinder, Centrifugal Pumps, Electric Motors, Star Delta Starters and Cutting Machines, etc.

4. Cold Storage Plant 10 tons at Coçanada—consisting of Petrol Engine, Lister 5 H.P. 2 Nos. and Spares.

5. Ice Plant 10 tons at Cocanada—consisting of Oil Engine Size 9 Ruston; Air Compressor, Centrifugal Pumps and Generator 2,000 Volts.

6. Pottery Manufacturing Unit at Art and United Potteries Belghurriah—consisting of Electric Motors, Fitter Pumps, Extrusion Presses, Agitators Lathes and Sewing, Shaping, Grinding and Drilling Machines, etc., etc.

7. Thermal Reclaim Plant at Bombay—consisting of 1 Refiner Line, 1 Joint Debeader with the Electric Motor, 1 Strainer with Speed Reducer Electric Motor, 1 Transformer, 2 Thermal Ovens and other miscellaneous Equipment.

8. Leak Proof Linatex and Flexatex Pipes Manufacturing Plant at Quilon (S. India)—consisting of Hose Machine with Motor, Steel Curing Tanks, Steel Mandrels, Marshall's Vertical Cross Tube Boiler, Polyvinyl Chloride Extruded Tubing, and Sundry Factory Equipment.

9. Hattersley Mill Chatkopar Plant—consisting of Electric Motors, Webbing Looms, Reeling Machine, Warping Machines, Welding Plant, Winders, Doublers, Double Shuttle Looms, Tape Examining Machine, Spindle Drilling Machine, Dynamos, Centrifugal Pumps, Steam Engines, etc.

10. Benzol Rectification Plant at Rhowra, Lodna, Loyabad and Hirapur—consisting of Benzol Agitator, Driving Machine, Condenser, C. I. Heater with top and bottom trays, Water Cooler, Scrubber Tanks, Starter Transformers, etc.

11. Hydrogen Compressing Plant located at the Indian Institute of Science, Bangalore comprising of six Stage Bells and Mercom Compressor with Dehumidifier, 30 H.P. Electric Motor with Starter, another 7 H.P. Electric Motor with Starter, Controlling Panel with full equipment and spares, 2,000 C. Ft. Gas Holder with Spares and Chemicals.

12. Ice Plant 8 tons at Roorkee—consisting of 34 H.P. Diesel Engine, Compressor, Centrifugal Pump, and complete with Cork insulation, 180 Ice Cans Overhead Gantry and other accessories

13. Ice Plant 12 Tons at Kamerreddy—consisting of 70 H.P. Blackstone Engine Driven by Belt; Hallz ammonia Compressor and complete with Ice Tank, Ice Cans, Insulation Coils and Chemicals but without spares.

14. Ice Plant 10 Tons at Cocanada—consisting of 66 H.P. Hornsby Diesel Engine, Air Compressor, Centrifugal Pumps, Generator 200 Volts, Overhead Crane, 240 Ice Cans.

15. Hydraulic Plant capacity 500 Gallons/min at Hydraulic Pump Station, Port Commission, Calcutta.—consisting of one 180 IHP Armstrong Mitchell Slow Running Steam Engine, 2 Hydraulic Pumps, Surface Condenser, one Circulating Pump, one Air Pump, two Lift Pumps, one Duplex Tangey Pump, one Accumulator Cap about 350 gallons complete with Steam Pipes, Spares and other Auxiliaries.

16. Trailer 5 Ton 4 WHP Water Purification Plants Brockhouse NKII at Vehicle Depot, Whitefield—consisting of Engine (1 complete 1 incomplete), Switchboard (incomplete), Ammonium Chloride Tanks, Water Tank.

17. Degreasing Plants WP 301 lbs. at Dum Dum Aerodrome—consisting of Boilers complete 100 lbs. WP Exhaust Fans, Cranes Overhead, Sheet Iron Tanks, One Induction Motor 440 V, 1410 RPM, Centrifugal Separator Steam Pipes, Valves, etc.

**HIGHER PAY TO REFUGEE TECHNICIANS IN B. B. and C. I. RAILWAY WORKSHOPS**

**697. \*Pandit Mukut Bihari Lal Bhargava:** Will the Honourable Minister of Railways be pleased to state whether it is a fact that the chargemen arriving from Western Punjab and appointed in these shops are being fixed on a higher scale i.e. Rs. 200-10-300, while the local chargemen in these shops, in spite of their identical duties, qualifications, length of service etc., are being relegated to lower scales?

**The Honourable Dr. John Matthai:** The answer is in the negative.

**LOCOMOTIVES AND WAGONS OWNED BY GOVERNMENT RAILWAYS**

**698. \*Dr. P. S. Deshmukh:** (a) Will the Honourable Minister of Railways be pleased to state the number of locomotives and wagons of all sorts owned by Government railways in each of the years 1945-46, 1946-47 and 1947-48 (giving separate figures for narrow, meter and broad gauges)?

(b) How many of each one of the above have been considered serviceable?

(c) What additions of new locomotives and wagons were made during each of the above years?

(d) How many locomotives and wagons of each kind are proposed to be added during 1948-49?

(e) How many of these have so far been received?

(f) Are there any wagons which are declared as missing?

**The Honourable Dr. John Matthai:** (a) to (e). The information required by the honourable member is being tabled.

(f) The Government are not aware of any wagons being declared as missing.

**Statement**

*showing the number of locos and wagons owned by Government Railways, the number considered serviceable, additions made, number proposed to be added during 1945-49 and the number received so far.*

Year.	Locos.			Wagons owned (in terms of 4-whls).		
	B. G.	M. G.	N. G.	B. G.	(M. G.	N. G.
<b>(a) Average number of locos and wagons owned by Indian Govt. Railways.</b>						
1945-46 . . . . .	5,723	2,346	252	159,917	50,487	5,966
1946-47 . . . . .	5,961	2,340	250	171,636	50,645	5,963
1947-48 . . . . .	4,988	1,995	198	152,270	37,435	5,093
Post Partition.						
<b>(b) Average number serviceable.</b>						
1945-46 . . . . .	4,785	1,969	201	151,983	47,636	5,717
1946-47 . . . . .	4,863	1,860	199	160,223	45,720	5,675
1947-48 . . . . .	3,984	1,560	157	140,725	34,819	4,980
<b>(c) Additions made during.</b>						
1945-46 . . . . .	441	..	..	11,680	230	..
1946-47 . . . . .	167	351	..	14,589	130	..
1947-48 . . . . .	28	..	..	5,518	195	..
<b>(d) Number proposed to be added during 1948-49.</b>						
	156	33	..	3,400	..	..
<b>(e) Number received so far (1st April 1948 to 31st July 1948).</b>						
	3	11	..	1,496	..	..

## WAGONS FOR TRANSPORT OF ORANGES

699. \*Dr. P. S. Deshmukh: (a) Will the Honourable Minister of Railways be pleased to lay on the table of the House a statement of the number of wagons made available for the transport of oranges from each of the following stations along with the destinations of the wagons:

Wardha, Nagpur, Kalameshwar, Katol, Pandhurna, Koholi and Narkhed?

(b) Are Government aware that there was much confusion and loss caused to the dealers as well as the fruit-growers on account of the unsystematic allocation of wagons?

The Honourable Dr. John Matthai: (a) A statement giving the information is placed on the table.

(b) There was no confusion in connection with the allotment of wagons. Systematic allotment was made according to priority of applications and station quotas.

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## Statement

of Oranges loaded as coaching traffic from Nagpur Division during 1947-48 season (Sept. - May)

Station from	Stations To																	Total								
	Delhi	New Delhi	Bombay	Howrah	Madras	Lucknow	Kalyan	Kanpur Cent. Goods	Kashl	Patna	Gaya	Mathura	Agra Cantonment	Trichinopoly Jn.	Kanpur	Colombatore Junction	Dangalore Cantonment		Rode	Ujjain	Asanul	Salem Market	Ryabad	Karmasoa	Arrah	Tananager
Nagpur	328	60	167	791	94	103	36	5	6	9	4	...	23	17	9	21	12	17	2	1	10	...	1	2	...	1763
Wardha	20	...	2	...	18	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	40
Kameshwar	120	10	9	23	17	14	7	24	...	...	...	...	5	...	...	...	...	...	...	...	...	...	...	...	...	229
Kohli	173	20	9	43	3	52	...	16	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	320
Katol	81	8	1	5	5	54	1	30	...	5	...	...	...	73	...	...	1	...	...	...	...	1	...	...	2	270
Methel	160	18	3	2	...	32	14	10	15	2	...	...	11	...	...	...	...	...	...	...	...	2	...	...	...	269
Pandhurna	62	3	3	3	...	34	8	24	...	...	...	2	3	...	...	...	...	...	...	...	...	...	...	...	...	132
Total	944	119	194	867	140	279	66	154	23	16	4	2	115	17	9	21	13	17	2	3	10	8	1	2	2	3023

3570

Total No. of wagons loaded from Nagpur Division

-3023

Wagons loaded from other stations on Nagpur Division not referred to above

547

**Dr. P. S. Deshmukh:** Is the Honourable Minister aware that there have been many complaints about the way in which wagons are made available by the local officers?

**The Honourable Dr. John Matthai:** As a matter of fact there has been a certain amount of difficulty in regard to the allotment of wagons for oranges destined for certain stations, but that difficulty arose not because there was irregularity in the part of the staff as because on the line leading up from Itarsi to Delhi there was a good deal of congestion at the time and most of the oranges—that is what my honourable friend is interested in—I understand, find their market in Delhi and beyond. And since that involves passage across a single line which is subject to terrific congestion there was difficulty; otherwise, as far as I am aware, there was not very much difficulty. I can say that as regards the availability of wagons for oranges I made a special effort during the last season, in view of strong representations made to me, to allot a larger number of wagons for that purpose than we would have done under the rules we had made for perishable things.

**Shri H. V. Kamath:** Are these oranges allowed high priority for transport?

**The Honourable Dr. John Matthai:** Yes, all perishable goods have a high priority.

**Shri Deshbandhu Gupta:** Is it a fact that there is a regular racket going on in Bombay at present in the matter of allotment of wagons?

**The Honourable Dr. John Matthai:** I do not know whether the racketing is on the part of the railway or on the part of other parties.

**Shri Deshbandhu Gupta:** Is it a fact that the wagons allotted are being regularly auctioned in the Bombay market and people who get the allotments are selling them away and making a gain of Rs. 2,000 per wagon?

**The Honourable Dr. John Matthai:** I have heard this allegation practically ever since I took charge of the Ministry of Railways and I have been at very considerable pains to go into the bottom of this business. It is quite conceivable that there has been a great deal of corruption of the kind that the honourable member complains of and we are very anxious to put a stop to it once and for all. But we cannot do it unless there is co-operation on the part of those people who are accomplices with the railway staff in this matter.

**Shri B. N. Munavalli:** Is the Honourable Minister aware that the Karnatak Chamber of Commerce have a grievance against the railway authorities that wagons are not made available to them in the cotton season when they intend to transfer cotton to Bombay, and are only made available when they do not want them?

**The Honourable Dr. John Matthai:** If the honourable member would give me particulars, I should like to have them looked into.

**Shri Mahavir Tyagi:** Are the Government aware that practically all the ports of India and their goods yards are packed with goods for want of wagons?

**The Honourable Dr. John Matthai:** I am not aware of that.

**श्री राम सहाय:** क्या मिनिस्टर साहब को यह बात मालूम है कि रेलवे एम्प्लॉयर्स (Railway Employees) आम तौर पर हर एक बोरी पर कुछ न कुछ चार्ज करते रहते हैं।

**Shri Ram Sahai:** Is the Honourable Minister aware of the fact that the Railway employees usually levy a little charge on each and every bag?

**The Honourable Dr. John Matthai:** The allegation made is that the railway staff concerned with this matter do charge these illegal levies. I believe that there is a considerable amount of truth in it. Now the thing is not altogether one-sided. Any question of illegal gratification necessarily involves two parties, and if honourable members who receive information of this will be, so good as to give me details of these matters, I shall be quite prepared in every case to go into them and take the severest measures possible.

**श्री राम सहाय :** क्या मिलता के व्योपारियों ने इस बारे में जनाब से इस किस्म की कोई शिकायत की है ।

**Shri Ram Sahai:** Has any such complaint been made to you, Sir, by the merchants of Bhilsa in this connection?

**The Honourable Dr. John Matthai:** I am not aware whether that particular class of traders have made any representation but if the honourable member will give me a statement, I will have it looked into.

**Prof. Shibban Lal Saksena:** In view of the well-known corruption in this Branch, will the Honourable Minister take some measures to see that it is stopped? Or will he appoint a Committee of this House to go into this matter to see that a stop is put to it?

**The Honourable Dr. John Matthai:** We have a special police establishment attached to the Home Ministry especially to look into the question of cases of corruption on the railways; and I am looking very carefully into the progress made by this particular Branch. It will interest the House to know that during the past twelve months, as far as the Delhi area is concerned, I think we reported about 200 cases and ultimately as the result of lack of evidence we were able to get convictions only in a small number of cases.

**Shri Deshbandhu Gupta:** Sir, since the Honourable Minister has just admitted that the allegations had reached him that railway wagons allotted to some persons were being auctioned in Bombay, may I know as to what steps did the Government take in the matter?

**The Honourable Dr. John Matthai:** We at once got in touch with the Home Ministry of the Bombay Government. In fact I have had discussions with the Ministry. Recently when the Home Minister of Bombay was here I had a long discussion with him and he is very actively interested in putting a stop to this business as much as we are.

**Shri M. Ananthasayanam Ayyangar:** Is there any railway priorities committee established for each railway or important station to consider these complaints from time to time regarding wagons?

**The Honourable Dr. John Matthai:** The Railway Priorities Committees do not go into the question of corruption. They deal with the allotment of wagons in accordance with the priority rules laid down for that purpose.

**Shri M. Ananthasayanam Ayyangar:** Would it not be convenient to extend the scope of their functions to receive such complaints from time to time wherever these privileges have been abused and for them to strike off those persons who have abused those privileges?

**The Honourable Dr. John Matthai:** There is a good deal of force in the honourable member's suggestion, but the line I am following is this. Whenever I have an opportunity of discussing this matter with the representatives of Chambers of Commerce in this country, I bring these facts to them and ask them to give me their co-operation, which is very much more effective than committee like the Priorities Committee which consists of two or three representatives of specific interests.

**Shri Biswanath Das:** Arising out of the statement made by my honourable friend, the Minister, in reply to a certain question asking for details, may I request him to let us know what sort of details he wants us to give him so that we may be of help to him?

**The Honourable Dr. John Matthai:** The kind of information that I would like honourable members to give is this. If there is any party, with whom he is familiar and who has been offering illegal gratification to the railway staff, and he could give me the particulars, I would have the matter pursued to the bitter end.

**Shri Biswanath Das:** May I know whether the Honourable Minister is aware of the fact that in the mufassil the ordinary gratification for any bag is Rs. 2? It is a known thing. So what is the kind of details that he wants?

**Mr. Speaker:** He wants specific instances.

**Dr. V. Subramaniam:** Is the turn-out of wagons nowadays very slow?

**The Honourable Dr. John Matthai:** I do not know what the honourable member means by 'nowadays'. I keep a watch on the figures of the wagon turn-out. It was low on certain of the more important railways during the months of May and June as a result of the hot weather and sickness, but the latest figures have shown a perceptible improvement.

#### ✓ AGREEMENT WITH FOREIGN FIRM FOR MANUFACTURE OF TELEPHONES

**700. \*Shri O. V. Alagesan:** (a) Will the Honourable Minister of Communications be pleased to state whether Government have entered into any contract with any foreign firm for the purpose of the manufacture of telephone apparatus and other allied materials in India?

(b) If the answer to part (a) above be in the affirmative, what is the name of the firm and its standing?

(c) Who negotiated the agreement with this firm?

(d) Where and when was this negotiated and where, when and by whom was the agreement signed on behalf of India?

(e) Was the agreement scrutinised by the Legal Department of the Government or by the India Government's solicitor in London?

(f) What is the financial commitment of India in this transaction?

(g) Do Government propose to place a copy of the agreement on the table of the House?

**The Honourable Mr. Rafi Ahmad Kidwai:** (a) Yes.

(b) The name of the firm with which the Government of India have entered into an agreement is Automatic Telephone and Electric Company Limited of England. This is a very reputable firm which has specialised in this line.

(c) The Secretary in the Ministry of Communications assisted by a technical expert from the Posts and Telegraphs Department.

(d) The negotiations were finalised in Switzerland during April, 1948 by the Secretary, Ministry of Communications, with a representative of the Company and the agreement was signed on the 3rd May, 1948, by our Minister in Switzerland who was kept in touch throughout with these negotiations.

(e) The agreement was prepared in collaboration with the Solicitor attached to the High Commissioner's office in London.

(f) The financial commitment is about 80 lakhs in the course of first fifteen years.

(g) A copy of the agreement has been placed in the Library of the House.

**Shri T. T. Krishnamachari:** May I ask the Honourable Minister why, in concluding the agreement with the British firm, the negotiations were carried on in Switzerland?

**The Honourable Mr. Rafi Ahmad Kidwai:** Our representatives had gone to Switzerland to negotiate an agreement with a Swiss firm. But there came a deadlock in the negotiations. In the meantime this British firm came to Switzerland and got into touch with our representatives and as it was found that they were offering more advantageous terms, their terms were accepted.

**Shri T. T. Krishnamachari:** Did the representatives of the Government of India visit this firm's factories to satisfy themselves that the firms are competent enough to execute the agreement?

**The Honourable Mr. Rafi Ahmad Kidwai:** Yes.

**Shri T. T. Krishnamachari:** How did they do it from Switzerland?

**The Honourable Mr. Rafi Ahmad Kidwai:** One of our officers went to England and visited the company's factories.

**Shri T. T. Krishnamachari:** Why was not the agreement concluded in England?

**The Honourable Mr. Rafi Ahmad Kidwai:** Because the negotiations were carried on in Switzerland.

**Shri T. T. Krishnamachari:** Was the High Commissioner of India in London consulted in this matter?

**The Honourable Mr. Rafi Ahmad Kidwai:** I do not think so.

**Shri T. T. Krishnamachari:** Will the Honourable Minister refer to his answer that the Solicitor to the High Commissioner was consulted and he approved of the draft agreement and report if it was correct?

**The Honourable Mr. Rafi Ahmad Kidwai:** He was in Switzerland when negotiations were going on.

**Shri T. T. Krishnamachari:** Were any finance officers attached to this delegation?

**The Honourable Mr. Rafi Ahmad Kidwai:** No.

**Shri T. T. Krishnamachari:** Why?

**The Honourable Mr. Rafi Ahmad Kidwai:** Because it was not thought necessary.

**Shri T. T. Krishnamachari:** Was it a fact that certain Members of Government were not satisfied with this agreement and it was put through in spite of their dissatisfaction?

**The Honourable Mr. Rafi Ahmad Kidwai:** I do not know about these "certain Members", but the agreement was placed before the Cabinet and it was unanimously agreed to.

**Shri T. T. Krishnamachari:** Sir, in view of the fact that the whole transaction has been done in an atmosphere which raises suspicion, will Government appoint a Committee of Enquiry into the whole matter to apportion blame or credit to the particular officers concerned?

**The Honourable Mr. Rafi Ahmad Kidwai:** I do not think it is necessary: at every stage the Members of the Cabinet were kept informed.

**Shri T. T. Krishnamachari:** Was the Standing Finance Committee consulted in this matter?

**The Honourable Mr. Rafi Ahmad Kidwai:** But the Finance Department was consulted at every stage and it was with their approval that the.....

**Shri T. T. Krishnamachari:** Does the Honourable the Minister know that this matter cannot go through without the Standing Finance Committee being consulted?

**The Honourable Mr. Rafi Ahmad Kidwai:** I am afraid I do not know if the matter was placed before the Standing Finance Committee but it was for the Finance Minister to place it before Standing Finance Committee before giving his approval.

**Shri M. Ananthasayanam Ayyangar:** Was this matter placed before the Committee representing his own Department?

**The Honourable Mr. Rafi Ahmad Kidwai:** Yes. It was placed before the Standing Advisory Committee of the Department. ✓

#### NATIONALISATION OF INDIAN NATIONAL AIRWAYS

**701. \*Shri O. V. Alagesan:** Will the Honourable Minister of Communications be pleased to state:

(a) whether Government had entered into negotiations with the Indian National Airways for acquiring their assets; and

(b) whether Government will consider that before entering into any agreement, they will put a senior officer of the audit department to examine the books of the company concerned?

**The Honourable Mr. Rafi Ahmad Kidwai:** (a) Government had some purely preliminary discussions on the subject. The matter has not been pursued.

(b) Government would certainly have the fullest check of the finances of any concern which it proposes to take over.

#### (b) WRITTEN ANSWERS

##### APPOINTMENT OF OFFICER FOR DEVELOPMENT OF COTTAGE INDUSTRIES

**702. \*Shri O. V. Alagesan:** Will the Honourable Minister of Industry and Supply be pleased to state:

(a) whether it is a fact that Government have recently appointed an Officer in connection with the development of cottage industries; and

(b) if the answer to part (a) above be in the affirmative, the name, experience and record of the Officer?

**The Honourable Dr. Syama Prasad Mookerjee:** (a) Yes.

(b) Name: Mr. V. R. Chitra.

Experience and Record: (1) Educated at Santiniketan; diploma in Painting and Crafts—1925.

(2) Graduated from Viswa-Bharathi University in comparative study of Oriental Art and History—1925.

(3) Joined Government School of Arts and Crafts, Lucknow, as an Assistant to the Principal in the Craft Section—1926.

(4) Conducted an Itinerant Art Exhibition in India for one year from 1928-29.

(5) Joined Government School of Arts and Crafts, Madras, as Head Master in 1929. Acted as Vice-Principal for some time and was confirmed as Superintendent of Crafts in 1934. During this period, was thrice deputed by Madras Government to several centres of Art-Crafts in India and lastly in 1939 was deputed to Japan to study the organisation, technique and economics of small-scale and cottage industries of Japan. Submitted a report on this in 1940.

(6) Joined the Stage and Screen Presentation, Madras, as its Chief Publicity Officer and conducted 'Kalpana' the all-dance picture by Uday Shankar.

(7) Joined Madras Government Provincial Service as Deputy Director of Industries and Commerce, specially in charge of Cottage Industries in 1946 on contract. Two years completed.

## RESTORATION OF RAILWAY LINES DISMANTLED DURING WAR

703. \*Shri Damoder Swarup Seth: (a) Will the Honourable Minister of Railways be pleased to state how many railway lines in India were dismantled during the war to meet the exigencies of defence, with the names of the lines?

(b) How many and which of these lines do Government propose to restore in the near future?

(c) Was the Kashipur-Ramnagar line also dismantled due to the exigencies of defence and is the restoration of the line under consideration or has it been decided upon?

The Honourable Dr. John Matthai: (a) In all, thirty-one branch lines were dismantled during the War, of which six were in Pakistan territory. A list containing the names of the remaining twenty-five lines in India is laid on the table of the House.

(b) The restoration of Kanpur-Khairada line is already in progress. The Government have also accepted in principle the need of restoring Bijnor-Chandpur Siau and Utraitha-Sultanpur-Zafarabad lines, and the work on these will be taken in hand, when resources permit. The case of restoration of nine other lines is to be reviewed. Two are to be treated as separate Metre Gauge Projects, and the remaining eleven lines are not to be restored. The position in respect to each of the lines has been shown.

(c) Kashipur-Ramnagar line was not dismantled. The question of its restoration, therefore, does not arise.

Statement

*Showing dismantled lines in Indian Territory.*

S. No.	Lines dismantled.	Rly.	Gauge.	C. B. T.'s decision.
1	Moran Hat-Khowang . . .	Assam	MG	No justification for restoration.
2	Bhagalpur-Mandar Hill . . .	E. I.	BG	Ditto.
3	Tinpahar-Rajmahal . . .	E. I.	BG	To be reviewed further.
4	Vasad-Kathana . . .	B. B. & C. I.	BG	Ditto.
5	Dharwa-Pusad . . .	G. I. P.	NG	Ditto.
6	Cocconada-Kotipalli . . .	M. S. M.	BG	No justification for restoration.
7	Madura-Bodinayakanur . . .	S. I.	MG	To be treated as new Metre Gauge project.
8	Shoranur-Nilambur . . .	S. I.	BG	The question of guarantee payable by Madras Government to be re-examined.
9	Bobbili-Salur . . .	B. N.	BG	No justification for restoration.
10	Morappur-Hosur . . .	S. I.	NG	To be treated as new Metre Gauge Projects.
11	Tirupattur-Krishnagiri . . .	S. I.	NG	
12	Rohtak-Gohana-Panipat . . .	E. P.	BG	To be reviewed further.
13	Nagrota-Joginder Nagar . . .	E. P.	NG	Ditto.
14	Dalmau-Daryapur . . .	E. I.	BG	No justification for restoration.
15	Akbarpur-Tanda . . .	E. I.	BG	Ditto.

S. No.	Lines dismantled	Rly.	Gauge	C. R. T. 's decision
16	Bijnor-Chandpur Siau . . .	E. I.	BG	Restoration accepted in principal.
17	Utraitia-Sultanpur-Zafarabad . . .	E. I.	BG	Ditto.
18	Unao-Madhoganj . . .	E. I.	BG	To be reviewed further.
19	Barabanki-Burhwal (Third line)	E. I.	BG	No justification for restoration.
20	Burhwal-Bahramghat . . .	E. I.	BG	Ditto.
21	Auhadpur-Balamau . . .	E. I.	BG	To be reviewed further.
22	Kanpur-Khairada . . .	G. I. P.	BG	Restoration in progress.
23	Cinnamara-Titabar . . .	Assam	MG	No justification for restoration.
24	Gosaigaon-Kakilamukh Ghat . . .	Assam	MG	Ditto.
25	Raipur Forest Tramway . . .	B. N.	MG	Ditto.

#### INCREASING PRODUCTION OF JUTE

704. \*Shri Damoder Swarup Seth: Will the Honourable Minister of Agriculture be pleased to state:

- what portion of undivided India's jute growing area now falls in Pakistan;
- the measures taken to secure further increase in the production of jute in India;
- whether Government have considered the idea of utilisation of *aman* lands for the sowing of every variety of jute; and
- whether Government have considered the recommendation of the Indian Central Jute Committee for a survey of land in the jute growing provinces of West Bengal, Bihar, Assam and Orissa to determine the stability of various varieties of jute to the soil conditions in those areas?

**The Honourable Shri Jairamdas Doustram:** (a) Nearly seventy-five per cent. of the area under jute has gone over to the Pakistan Dominion. A statement showing the area under jute in the Indian Union and in the Pakistan Dominion is placed on the table of the House.

(b) The following measures have been adopted for obtaining increased production of jute during the current year:

(1) Propaganda for the production of more jute was also carried on amongst the cultivators and a large number of leaflets were distributed for the purpose.

(2) Nearly 19,000 maunds of improved jute seeds were procured and distributed amongst the different jute-growing Provinces during the current season.

(3) 1,000 tons of fertilizer (Ammonium sulphate) were specially earmarked and distributed for jute cultivation.

(4) Nearly 1,50,000 acres of additional land has been brought under cultivation of jute in the current year. For this purpose the *aman* paddy-lands were used for jute cultivation during the earlier part of the season so that this land was double cropped and there was no loss in rice production.

(c) Yes, as already stated in part (b) of the question.

(d) Yes. A survey of land in the jute growing Provinces of West Bengal, Bihar, Orissa and Assam to determine the suitability of various varieties of jute to the soil conditions in these areas was duly undertaken. As a result of the survey the additional acreage of land that could be brought under jute cultivation was determined.

## Statement

showing the acreage under Jute in the Indian Union and Pakistan.

(Thousand acres)

	1942-43	1943-44	1944-45	1945-46	1946-47	1947-48	1948-49
Indian Union . . . . .	852	701	581	580	537	645	749†
Pakistan (Now) . . . . .	2,481	1,939	1,523	1,642	1,342	Not available.	Not available.
Total . . . . .	3,333	2,640	2,104	2,422	1,879	..	..
Pakistan's percentage share in the total area under jute of the undivided India . . . . .	74	73	72	76	71	..	..

† Licensed are based on preliminary forecast.

## INCLUSION OF CHHATTISGARH STATES IN C. P. CIVIL SUPPLY ZONE

705. \*Shri Kishorimohan Tripathi: (a) Will the Honourable Minister of Industry and Supply be pleased to state whether adequate steps have now been taken to include the Chhattisgarh States in the Central Provinces Civil Supply zone?

(b) Are Government aware that want of such inclusion has put these States into difficulties in obtaining their civil supplies?

The Honourable Dr. Syama Prasad Mookerjee: (a) I am not in a position to say what arrangements have been made by the C.P. Government for meeting the civil requirements of the Chhattisgarh States, as the information called for from that Government has not yet been received. General instructions have, however, been issued to all Ministries that civil supplies intended for the States merged with the Provinces should be allotted to the Provincial Governments concerned for distribution to the States as they consider suitable.

(b) I have received no complaints of difficulties experienced by the Chhattisgarh States in this matter.

## AMALGAMATION OF RAILWAY ACCOUNTS AND AUDIT DEPARTMENTS

706. \*Shri Damodar Swarup Seth: (a) Will the Honourable Minister of Railways be pleased to state whether the question of amalgamation of the Railway Accounts Department with the Railway Audit Department is being considered by Government?

(b) If the reply to part (a) above be in the affirmative, do Government propose to get the question discussed by the Standing Finance Committee for Railways?

**The Honourable Dr. John Matthai:** (a) No. The Bajpai Committee's recommendation to this effect was considered by Government and it was decided that the amalgamation would not be desirable.

(b) Does not arise.

#### RE-ORGANISATION OF INDIAN RAILWAYS

**707. \*Shri Damoder Swarup Seth:** Will the Honourable Minister of Railways be pleased to state:

(a) the present position of the question of re-organization of the Indian Railways, especially the status of the Eastern Punjab Railway;

(b) whether Government are considering the question of the decentralisation of the office of the Railway Clearing Accounts;

(c) whether Government are aware that the majority of the staff of the Railway Clearing Accounts are accommodating employees who have come from the West Punjab; and

(d) whether Government propose to consider the question of providing accommodation to the staff of the Railway Clearing Accounts Office on its decentralisation or shifting the office to some other place?

**The Honourable Dr. John Matthai:** (a) The honourable member presumably refers to the question of regrouping of railways. This question has been referred to the Indian Railway Enquiry Committee 1947, for advice, and its report is awaited.

(b) No.

(c) Government have no information.

(d) Does not arise.

#### RESTORATION OF NAGROTA (KANGRA)-JOGINDERNAGAR (MANDI) RAILWAY LINE

**708. \*Dr. Bakhshi Tek Chand:** Will the Honourable Minister of Railways be pleased to state:

(a) whether the railway line from Nagrota (Kangra) to Jogindernagar (Mandi) was dismantled during the War; and

(b) if so, whether Government have considered the advisability of restoring the line; and if so, with what result?

**The Honourable Dr. John Matthai:** (a) Yes.

(b) The Project was recently considered by the Central Board of Transport and it was decided that the Project required further detailed examination in the light of partition and the industrial and other developments in prospect, and to this end a fresh Reconnaissance Traffic Survey should be made.

#### WORKSHOP FOR E. P. RAILWAY

**709. \*Dr. Bakhshi Tek Chand:** Will the Honourable Minister of Railways be pleased to state:

(a) whether it is a fact that after the partition, when the Railway Workshop at Lahore fell to Pakistan, there is no properly equipped Workshop on the East Punjab Railway;

(b) if so, to which place damaged carriages and rolling stock are taken for repairs and rehabilitation; and

(c) whether Government are considering the advisability of setting up a proper Workshop on this line?

**The Honourable Dr. John Matthai:** (a) Yes.

(b) In accordance with the agreement reached between India and Pakistan at the time of partition the Rolling Stock of E. P. Railway is being sent for repairs to the Moghalpura Workshop of the N. W. Railway. It has, however, been necessary to supplement the work done by N. W. Railway with repairs in other Indian Government Railway Workshops. The Narrow Gauge coaching stock, however, is being dealt with in the E. P. Railway workshop at Kalka.

(c) Yes. A scheme for the expansion of the E. P. Railway workshop at Kalka to meet the requirements of the entire Narrow Gauge Rolling Stock of that Railway is under examination. The provision of a Broad Gauge Workshop is also receiving attention.

#### RATIONS FOR RAILWAY EMPLOYEES

710. \*Shri Ram Sahai: Will the Honourable Minister of Railways be pleased to state the scale of ration fixed for the Railway employees and the particulars of the commodities included therein?

The Honourable Dr. John Matthai: Up-to-date information has been called for and a statement will be laid on the table of the House in due course.

#### 'YIELD BEFORE AND AFTER 'GROW MORE FOOD CAMPAIGN'

711. \*Shri Nandkishore Das: Will the Honourable Minister of Agriculture be pleased to state:

(a) the total acreage under cultivation of the principal food crops such as rice, wheat, maize, gram etc. in the different provinces of India prior to the inauguration of the Grow More Food Campaign;

(b) the total average yield of each of these crops during the five years immediately preceding the inauguration of the Grow More Food Campaign;

(c) the total acreage of each of these crops now under cultivation;

(d) the total yield of each of these crops during the years 1946-47 and 1947-48;

(e) the specific steps taken in furtherance of the Grow More Food Campaign; and

(f) the total amount from both the Central and Provincial revenues spent up to the end of the last financial year for Grow More Food Campaign?

The Honourable Shri Jairamdas Doulatram: (a) to (d). Four statements giving such information as is available are placed on the table of the House. These statements contain very rough estimates arrived at by different methods sent by all different Provinces and States and Governments are not satisfied that they can be fully relied upon for any scientific conclusions.

(e) Before 1947, *ad hoc* schemes put up by Provinces were being financed by the Centre without any definite all India plan. Towards the beginning of 1947 the Government of India fixed a target of four million tons of additional cereals production to be achieved by 1952. The target was then split up among the Provinces by reference to what each Province could achieve. The Provincial Governments have prepared their five year G.M.F Plans on the basis of the targets fixed for them. The yearly schemes are in the course of execution. A statement (No. V) showing the Provincial overall target for five years and the planned targets for 1947-48 and 1948-49 is placed on the table.

(f) A statement containing the required information was placed on the table in reply to Question No. 130 on the 11th August, 1948.

STATEMENT I

Showing average acreage under principal foodgrains in the different Provinces of Indian Union for the five years ending 1942-43.

(Thousand Acres)

Province	Rice	Wheat	Jowar	Bajra	Maize	Ragi	Barley	Gram	Total
Assam (b)	3,775	..	..	..	..	..	..	..	3,775
Bihar	9,306	1,181	70	60	1,504	567	1,270	1,428	16,386
Bombay	1,975	1,638	7,996	4,341	180	624	15	528	17,997
C. P. & Berar	5,795	3,038	4,740	110	152	(a)	13	1,091	14,939
East Punjab (b)	399	3,118	454	2,210	816	..	498	1,936	9,431
Madras	10,213	..	4,878	2,645	67	1,734	3	59	19,599
Orissa	5,032	4	39	7	28	282	(c)	10	5,402
U. P.	7,287	7,997	2,299	2,575	2,121	(a)	3,911	5,481	31,671
West Bengal (b)	7,005	111	5	2	80	(a)	46	218	7,467
Ajmer-Merwara	..	16	76	49	56	..	37	13	238
Goorg	86	..	..	..	..	..	..	(e)	86
Delhi	..	45	19	63	2	..	18	27	174
Total	50,873	17,148	20,576	12,053	5,006	3,207	5,811	10,791	125,485

(a) Not available.

(b) Figures in respect of partitioned provinces are subject to revision

(c) Below 500 acres.

**STATEMENT II**  
*Showing average production of the principal foodgrains in the different provinces of Indian Union for the five years ending 1942-43.*  
 (Thousand tons)

Province	Rice (Cleaned Rice)	Wheat	Jowar	Bajra	Maize	Ragi	Barley	Gram	Total
Assam (c)	1,235	..	..	..	..	..	..	..	1,235
Bihar	2,794	456	18	19	440	172	426	468	4,793
Bombay	763	290	1,271	517	57	174	5	80	3,157
C. P. & Berar	1,399	552	1,055	25	77	(b)	3	183	3,294
East Punjab (c)	97	1,130	28	157	286	..	137	391	2,226
Madras	4,657	..	1,258	661	29	779	(a)	12	7,396
Orissa	1,349	1	10	1	7	78	(a)	3	1,449
U. P.	1,943	2,789	500	472	759	(b)	1,298	1,610	9,371
West Bengal (c)	2,431	28	2	1	24	(b)	14	61	2,561
Ajmer-Merwara	..	5	4	3	11	..	13	1	37
Coorg	39	..	..	..	..	..	..	(a)	39
Delhi	..	13	4	16	(a)	..	6	8	47
<b>Total</b>	<b>16,707</b>	<b>5,264</b>	<b>4,150</b>	<b>1,872</b>	<b>1,690</b>	<b>1,203</b>	<b>1,902</b>	<b>2,817</b>	<b>35,605</b>

(a) Less than 500 tons.

(b) Not available.

(c) Figures in respect of partitioned provinces are subject to revision.

STATEMENT III

Showing acreage under principal foodgrains in the different provinces of Indian Union during 1946-47.

(Thousand Acres)

Province	Rice	Wheat	Jowar	Bajra	Maize	Ragi	Barly	Gram	Total
Assam (a)	3,691								3,691
Bihar	9,889	1,176	75	73	1,540	545	1,189	1,470	15,967
Bombay	2,098	1,939†	8,695	4,204	186	523	10†	597†	18,252
C. P. & Berar	6,119	2,833	4,721	101	152	9	20†	1,365	15,320
East Punjab (a)	462	3,108	488	1,824	873		474	2,862	10,091
Madras	10,986		4,527	2,366	48	1,633		100	19,560
Orissa	5,270	6	40	6	27	263	1	8	5,621
U. P.	7,363	8,020	2,261	2,805	2,364	68	4,486	5,691	32,908
West Bengal (a)	9,973	108	3	7	99	6	59	241	10,496
Ajmer-Merwara		28	117	42	80		39†	28†	333
Coorg	87								87
Delhi		41†	35	56	3		11†	22†	168
Total	55,938	17,259	20,962	11,284	5,372	2,947	6,249	12,384	132,395

†Subject to revision.

(a) Figures in respect of partitioned provinces are subject to revision

NOTE.—Information for 1947-48 is not available as yet from the Provinces and states.

**STATEMENT IV**  
*Showing production of the principal foodgrains in the different provinces of Indian Union during 1946-47.* (Thousand tons)

Province	Rice	Wheat (cleaned)	Jowar	Bajra	Maize	Ragi	Barley	Gram	Total
Assam (b)	1,395	..	..	..	..	..	..	..	1,395
Bihar	2,768	346	16	22	301	126	375	436	4,390
Bombay	845	109*	1,102	425	40	151	2*	78*	2,752
C. P. & Berar	1,401	112	825	16	33	1	3*	192	2,533
East Punjab (b)	127	1,017	52	211	332	..	111	600	2,450
Madras	4,919	..	749	414	11	660	(a)	17	6,770
Orissa	1,401	2	9	1	6	61	(a)	2	1,482
U. P.	1,774	2,349	423	469	753	14	1,663	1,508	8,958
West Bengal (b)	3,708	26	1*	2*	33*	2	18	56	3,846
Ajmer-Merwara	..	8	6	2	10	..	17*	7*	50
Coorg	41	..	..	..	..	..	..	..	41
Delhi	..	11*	5	12	(a)	..	4*	6*	38
<b>Total</b>	<b>18,379</b>	<b>3,980</b>	<b>3,188</b>	<b>1,574</b>	<b>1,519</b>	<b>1,015</b>	<b>2,193</b>	<b>2,902</b>	<b>34,750</b>

\* Subject to revision.

(a) Below 500 tons.

(b) Figures in respect of partitioned provinces are subject to revision.

NOTE.—Information for 1947-48 is not available as yet from the Provinces and States.

## STATEMENT V

Showing the Provincial overall targets for five years and Planned targets for 1947-48 and 1948-49

Province	Accepted targets of additional production for five years (Lakh tons)	Planned target for 1947-48 (Lakh tons)	Planned target of additional production upto 1948-49 (Lakh tons)
Madras . . . . .	6.50	5.29	4.92
Bombay . . . . .	2.86	0.57	1.81
C. P. & Berar . . . . .	2.00	0.63	.58
United Provinces . . . . .	5.00	2.16	5.74
Bihar . . . . .	3.70	.18	1.00
Orissa . . . . .	1.50	.12	.20
Assam . . . . .	1.80	.09	.45
W. Bengal . . . . .	4.00	..	1.35
Punjab . . . . .	3.00	No programme received.	.24
<b>TOTAL</b>	<b>30.36</b>	<b>9.04</b>	<b>16.29</b>

NOTE.—A target of one million tons has been fixed for States in addition to the above figures, which makes the total 4.036 million tons.

#### BAN AGAINST INDIAN DRESS IN FOREST COLLEGE, DEHRA DUN

712. \*Shri Mahavir Tyagi: (a) Will the Honourable Minister of Agriculture be pleased to state whether it is a fact that the students of the Forest College, Dehra Dun are prohibited from wearing Indian dress and Gandhi caps even when they are in their hostels?

(b) Is it compulsory, according to the rules of the college, to wear a neck-tie and put on a prescribed dress of English pattern?

The Honourable Shri Jai Ramdas Doulatram: (a) No.

(b) Ranger students are required to wear Khaki uniform of Semi-Military pattern when on duty. Officer students have been expected to wear European clothes with Neck-tie in cold weather and without Neck-tie and coat in other season. Their mess dress consists of black or white Achkan and Pyjamas. They wear Khaki clothes when on field work or on tours. This type of dress has under the rules been laid down by previous Principals. Government intend to have the question of the type of common dress, while on duty or field work or tour re-examined.

#### PRICE CHARGED TO RAILWAYS FOR COAL FROM STATE OWNED COLLIERIES

713. \*Shri Suresh Chandra Majumdar: (a) Will the Honourable Minister of Industry and Supply be pleased to state the f.o.r. cost per ton of coal raised from the different State-owned collieries according to the latest available information?

(b) In cases where the cost per ton of coal in the State-owned collieries is higher than the controlled market prices of the same grade of coal, are consuming Railways charged the actual cost for such coal?

(c) If not, what is the basis on which the charge for such coal is fixed?

**The Honourable Dr. Syama Prasad Mookerjee:** (a) A statement showing the actual f.o.r. costs per ton for 1946-47 is laid on the table of the House. Later figures have not yet been finalised.

(b) No, Sir.

(c) In all cases, the statutory prices fixed by Government are charged.

Statement

Name of State-owned Colliery	Actual f. o. r. cost per ton of coal during 1946-47		
	Rs.	As.	Ps.
Kargali . . . . .	8	11	5
Bokaro . . . . .	7	9	9
Jarangdih . . . . .	23	10	5
Sawang . . . . .	12	11	11
Bhurkunda . . . . .	13	6	0
Argada . . . . .	14	0	8
Kurharbaree . . . . .	21	4	9
Serampore . . . . .	17	3	1
Talcher . . . . .	12	3	0
Duelbera . . . . .	13	6	5
Kurasia . . . . .	12	0	3

FALL IN COAL LOADINGS IN WEST BENGAL AND BIHAR COAL FIELDS

**714. \*Shri Suresh Chandra Majumdar:** (a) Will the Honourable Minister of Railways be pleased to state whether it is a fact that there was a fall in daily loadings in the coal fields of West Bengal and Bihar during the months of April, May, June and July, 1948?

(b) If so, what are the reasons therefor?

**The Honourable Dr. John Matthai:** (a) There was a fall in coal loadings in West Bengal and Bihar coal fields during the months of May, June and July 1948, but not in April.

(b) Heavy sickness amongst engine crew following intense heat resulted in considerably reduced movements both of empty and loaded wagons. The strike by Coal Coolies in Gaya Loco Shed and a number of goods train accidents in the coal field area also affected operation adversely.

ENGINE FAILURES ON RAILWAYS

**715. \*Shri Suresh Chandra Majumdar:** Will the Honourable Minister of Railways be pleased to state the number of cases of engine failure during the months of May, June and July 1948 on the different Railways and the reasons therefor?

**The Honourable Dr. John Matthai:** A statement showing the number of engine failures on Indian Government Railways, as far as they are available, for the months of May and June 1948 together with the reasons therefor is laid on the table of the House. Figures for July are not available at present.

STATEMENT

Showing the number of engine failures on Indian Government Railways during May and June 1948.

BROAD GAUGE

Cause of failure

Railway	1948 Month	Defective design material	Shops			Mismanagement of engine crew	Bad Fuel	Bad Water	Misc.	Total
			Bad workmanship	Sheds						

B. N.	May	18	2	21	32	6	2	3	84
B. B. & C. I.	May	22	..	5	7	..	..	..	34
	June	13	..	2	11	2	..	..	28
E. I.	May	Details not available	..	..	..	..	..	..	194
	June	Details not available	..	..	..	..	..	..	178
G. I. P.	May	41	1	19	42	..	..	31	161
	June	2	..	32	82	2	4	35	187
M. & S. M.	May	Details not available	..	..	..	..	..	..	33
	June	28	..	5	6	4	..	..	28
S. I.	May	1	..	8	13	1	..	..	43
	June	8	..	3	14	4	..	3	31
E. P.	May	1	1	..	..	..	..	..	26
	June	14	..	11	10	2	..	3	27

METRE GAUGE

B. B. & C. I.	May	1	2	13	22	4	..	..	60
	June	18	..	..	..	..	..	..	49
M. & S. M.	May	Details not available.	..	..	..	..	..	..	35
	June	Details not available.	..	..	..	..	..	..	27
O. T.	May	12	1	5	4	1	..	..	23
	June	18	..	8	6	..	..	..	32
S. I.	May	10	..	3	5	..	..	..	19
	June	8	1	12	11	3	..	..	36

NARROW GAUGE

B. N.	May	5	..	2	6	..	..	..	13
	June	..	..	..	..	..	..	..	..
B. B. & C. I.	May	6	..	1	..	..	..	..	7
	June	1	..	..	..	..	..	..	1
G. I. P.	May	1	..	1	1	..	..	1	4
	June	..	..	..	..	..	..	..	..
E. P.	May	..	..	..	2	..	..	..	3
	June	..	..	..	2	..	..	..	3

## SHIP-BUILDING INDUSTRY

716. \*Prof. N. G. Ranga: Will the Honourable Minister of Industry and Supply be pleased to state:

(a) in how many and which ship-building yards first and second class ships and sailing boats are being built;

(b) which ship-building yards are built by private Companies and which are owned by Government;

(c) what kind and extent of help is being given to those engaged in ship-building;

(d) what are the plans, if any, of Government to develop ship-building during the next ten years; and

(e) whether Government contemplate developing their own ship-building yards?

The Honourable Dr. Syama Prasad Mookerjee: (a) There are at present eighteen shipbuilding yards in India; only one, viz., Messrs. Scindia Steam Navigation Co. at Vizagapatam are building ocean going ships. The other seventeen yards which are located at Calcutta, Bombay, Cochin and Madras have facilities for building coastal crafts and tugs, inland vessels and sailing boats, launches and barges, but owing to shortage of shipbuilding plates activities at these yards are at present mainly confined to repair work.

(b) All are owned by private companies.

(c) Assistance is given in the release of raw materials like steel, cement and coal and import facilities are provided for obtaining propelling machinery and capital goods.

(d) and (e). In accordance with the Government's Statement on Industrial policy, the establishment of new shipbuilding yards will be the exclusive responsibility of the State, except where in the national interest, the State itself finds it necessary to secure the cooperation of private enterprise. The question as to the extent, if any, to which private enterprise should be associated with new undertakings and the steps to be taken to develop existing shipbuilding yards are under the active consideration of Government.

## DELAY IN TRANSIT OF SEA MAILS TO U. K. AND U. S. A.

717. \*Shri L. Krishnaswami Bharathi: (a) Will the Honourable Minister of Communications be pleased to state whether the attention of Government has been drawn to complaints in the Press and from the public about the inordinate delay now occurring in the despatch and receipt of foreign surface mail, especially to the United States of America and the United Kingdom and if so, what steps are being taken to restore the previous time taken for mails to reach the United Kingdom, namely two to three weeks, from India?

(b) What is the time taken now for surface mail to reach the United Kingdom from Bombay?

(c) Do Government propose to notify the public, as was done before the war, about the dates of despatch of mail from Bombay to the United Kingdom?

(d) By what class of steamers is surface mail being despatched at present and in what time do these steamers reach England after leaving Bombay?

(e) Do Government propose to consider the advisability of issuing a Press Communique setting out the present position fully and the reasons for the present delay of two months or so involved in the despatch of surface mail and also stating what steps Government propose to take to remedy the present state of affairs?

**The Honourable Mr. Rafi Ahmad Kidwai:** (a), (b) and (d). No complaints have been received, but attention of Government has been drawn to a London report appearing in a South India daily dated 18th August, 1948, about the slow transit of sea mails from India to England. In pre-war days, surface mails took about a fortnight to reach the United Kingdom via Marseilles through the weekly P. and O. steamship service from Bombay. The service was discontinued during the war and there have since been no regular scheduled sailings between the two countries. Such passenger and fast direct cargo steamers as are available are utilised for despatch of mails to the U. K. and U. S. A. The same arrangements obtain for surface mails for the U. S. A. Mails for that country are sent by American steamers which too do not sail to any regular schedule.

The time generally taken now by the surface mails in transit is about three weeks to the U. K. and four weeks to the U. S. A., but the sailings do not take place at regular intervals. Sailings to the U. K. are about four in a month, but sometimes there have been long intervals, even exceeding a month, between two successive sailings. No definite improvement is feasible until the countries concerned re-introduce regular weekly sailings.

(c) As there are no scheduled sailings, and intimation of departure of a steamer is received only about twenty-four hours ahead at the ports of departure, the pre-war practice of notifying the public in time cannot be resumed.

(e) There has been nothing new in the position here stated by me, which continues from year 1939, to justify a Press Communique. When mails are held up for exceptionally long period, the public will be duly notified.

#### REVISION OF PRICES OF SUGAR

**718. \*Shri L. Krishnaswami Bharathi:** Will the Honourable Minister of Food be pleased to state:

(a) whether the attention of Government has been drawn to various statements and letters published in the press about the present high prices charged by the Indian Sugar Syndicate and other authorities responsible for the sale of sugar in India;

(b) whether it is a fact that the present price of sugar is about Rs. 37-8-0 a maund in India;

(c) whether it is a fact that despatch of about 5000 tons or more of sugar to Pakistan was allowed or sanctioned recently;

(d) the prices at which the Indian Sugar Syndicate or other authorities were allowed to send this sugar outside India;

(e) the prices at which sugar from Java or Cuba or any other place outside India is landed in Indian ports;

(f) the prices at which such foreign sugar is sold to the Indian public;

(g) whether Government propose to review the whole sugar position to see that the consumer gets sugar at a fair price and that the syndicates and others who control sugar are not allowed to make unduly high profits at the expense of the consumer in India; and

(h) whether Government propose to publish a full audited statement of the profits which the Indian Sugar Syndicate and other producers of sugar have made?

**The Honourable Shri Jairamdas Doulatram:** (a) Yes.

(b) Price of average quality sugar is rupees thirty-five and annas, seven per maund *ex factory*.

(c) There are no restrictions on the export of sugar outside India.

(d) There is no control on the price of sugar exported out of India.

(e) No sugar has been imported from Java or Cuba during the current year.

(f) Does not arise.

(g) As the honourable member is aware, Government are at present actively engaged in considering the steps to be taken to bring down the prices of all essential commodities which have, of late, risen giving cause for anxiety.

(h) Many Sugar Factories have not closed their accounts for the season 1947-48. Audited balance sheets of the factories for this season are not likely to be available before January, 1949 and if so desired a statement showing the profits can then be prepared.

#### ACCOMMODATION AND LOW INCREMENT IN PAY TO RAILWAY EMPLOYEES

**719. \*Shri Ram Sahai:** (a) Will the Honourable Minister of Railways be pleased to state whether it is a fact that the employees on the clerical establishment of the East Punjab Railway who have put in 28 years' service have been granted an increment of Rs. 1/8/- only under the revised rules during these days of acute dearth?

(b) Are the employees who have had to come over here from Lahore also included in this?

(c) Could not these employees be provided with quarters as yet?

(d) Is it a fact that these employees were previously entitled to an Inter Class pass and are now being issued Third Class Passes?

(e) What are the reasons for subjecting these employees to all such hardships?

**The Honourable Dr. John Matthai:** (a) and (b). A few such cases might have arisen when fixing the pay of clerical staff under the Railway Services (Revision of pay) Rules.

(c) It has only been possible to house forty-two per cent. of the staff so far.

(d) I would refer the honourable member to the reply to parts (a) and (c) of Starred Question No. 499 asked by Shri Damodar Swarup Seth on 24th August, 1948.

(e) The conditions referred to are not peculiar to the clerical staff of the E.P. Railway but are common to all classes of employees on other Railways as well.

#### CEMENT SUPPLIED TO EAST PUNJAB GOVERNMENT FOR DISTRIBUTION TO PUBLIC

**720. \*Sh. Ranbir Singh:** Will the Honourable Minister of Industry and Supply be pleased to state:

(a) the number of bags of cement recommended by the Government of East Punjab to the Honorary Cement Adviser to the Government of India for distribution to the public from 1st April to 15th August, 1948, month-wise;

(b) the number of cement bags supplied to the Government of East Punjab by the Honorary Cement Adviser to the Government of India for distribution to the public from 1st April to 15th August, 1948; and

(c) whether Government are aware that any amount of cement can be obtained from Dalmia Dadari at Rs. 10 per bag?

**The Honourable Dr. Syama Prasad Mookerjee:** (a) and (b). A statement giving the information is laid on the table of the House.

(c) No, Sir.

## Statement

(a) The East Punjab Government started issuing recommendations to the Regional Hony. Cement Adviser, Delhi for the release of cement to the public, from June, 1948 only.

Quantities so recommended are :

June 1948	...	...	19,240 bags (962 tons)
July, 1948	...	...	28,400 bags (1,420 tons)
August 1st to 15th	...	...	Not available.

(b) Quantities supplied to the East Punjab Government for distribution to the public.

			Bags	Tons
April, 1948	...	...	11,800	590
May, 1948	...	...	5,320	266
June, 1948	...	...	11,180	599
July, 1948	...	...	11,640	582
August 1st to 15th	...	...	20,800	1,044

## SLACK COAL FOR EAST PUNJAB

721. \***Ch. Ranbir Singh:** (a) Will the Honourable Minister of Industry and Supply be pleased to state whether Government are aware that a large amount of slack coal is being used by the Government of East Punjab for their development schemes such as Bhakra, dam etc.?

(b) Are Government aware that the coal allotted to East Punjab is hardly sufficient for the Government development schemes and that practically no coal is left for the use of the public?

(c) Are Government also aware that a large amount of coal is required for brick-kilns for building suburban towns in the East Punjab for resettlement of refugees?

(d) If so, do Government propose to allot additional quotas of slack coal to East Punjab and if not, why not?

**The Honourable Dr. Syama Prasad Mookerjee:** (a) and (b). Government have been allocating 5,000 tons of slack coal per month to the East Punjab for brick-burning purposes. Out of this, the allotments made by the East Punjab Government for the general public were 400 tons in May, 500 tons each in June and July and 1,000 tons in August.

(c) Yes, Sir.

(d) Government have decided to increase the total allotment of slack coal for East Punjab from 5,000 tons to 7,000 tons p.m. from the 1st September 1948. The Provincial Government will as hitherto distribute this coal for the various purposes in view.

## OPENING OF NEW POST OFFICES IN RURAL AREAS

722. \***Shri Satis Chandra Samanta:** (a) Will the Honourable Minister of Communications be pleased to state the number of applications received for the opening of new Post offices in rural areas in different provinces of the Indian Union from 15th, August, 1947 to 30th June, 1948?

(b) How many applications have been complied with and how many new Post offices have been opened Province-wise?

(c) What are the difficulties in opening new Post offices?

(d) Do Government propose to consider the advisability of taking immediate steps in the matter to give facilities to the rural population of the Indian Union?

**The Honourable Mr. Rafi Ahmad Kidwai:** (a) 3300.

(b) 780 new post offices have already been opened during the period in question. A list province-wise is laid on the table of the House.

(c) and (d). It is the policy of Government to extend postal facilities to an increasing extent in rural areas. The chief difficulty in the way of a more rapid expansion of post offices is the fact that the anticipated income from some of the proposed post offices is too meagre.

*Statement*

*Showing the number of applications received for the opening of new Post Offices in Rural Areas in different provinces of the Indian Union and the number of offices opened during the period from 15th August 1947 to 30th June 1948.*

Names of Provinces	No. of applica- tions received	No. of post offices opened
IA. Ajmer . . . . .	8	6
1. Assam . . . . .	118	31
2. Bengal . . . . .	172	23
3. Bihar . . . . .	717	98
4. Bombay . . . . .	299	72
5. C. P. and Berar . . . . .	104	8
6. Delhi . . . . .	10	..
7. East Punjab . . . . .	13	2
8. Madras . . . . .	1,027	289
9. Orissa . . . . .	209	56
10. U. P. . . . .	533	133
<b>INDIAN STATES</b>		
11. Bikaner . . . . .	3	..
12. Bhopal . . . . .	1	..
13. Madras States . . . . .	101	51
14. Matsya . . . . .	5	..
15. Madhya Bharat . . . . .	7	1
16. Jaipur . . . . .	26	5
17. Jodhpur . . . . .	21	1
18. Phulkian Union . . . . .	1	..
19. Rajistan . . . . .	7	2
20. Vindhya Pradesh . . . . .	8	2
<b>TOTAL</b> . . . . .	<b>3,390</b>	<b>780</b>

**WAGON-BREAKING CASES BETWEEN KHARAGPUR AND KOLAGHAT ON  
B. N. RAILWAY**

**723. \*Shri Satis Chandra Samanta:** (a) Will the Honourable Minister of Railways be pleased to state how many wagon-breaking cases were detected between Kharagpur and Kolaghat on the Bengal Nagpur Railway from 1st January, 1944 to 30th June, 1948?

(b) What steps have Government taken to check such cases?

(c) Have Government asked help from the West Bengal Government and local public institutions to check further recurrence?

(d) If the answer to part (c) above be in the affirmative what is the result thereof?

**The Honourable Dr. John Matthai:** (a) From such information as is readily available the approximate number of cases of running train thefts between Kharagpur and Kolaghat is found to be—

91	..	in	1944
126		in	1945
157	..	in	1946
119		in	1947 and
40	..	in	1948 up to June

(b) Government have taken special preventive measures, including arrangements with the Provincial Government for the employment of Railway Protection Force and the Government Railway Police. The Railway have also strengthened Watch and Ward Staff and engaged Watch and Ward Flying Squads in areas where thefts occur on a large scale. They have further arranged for collaboration between Commercial Department and the Railway Police and Watch and Ward Department for localising and eradicating transit thefts, introduced improved methods of loading goods in wagons to obviate the possibility of pilferage through door crevices, improved lighting and fencing of goods sheds and yards etc.

(c) Assistance of the Provincial Government has been requisitioned as will be seen from the reply to part (b) of the question. The necessity for requisitioning the assistance of local public institutions has not so far been felt.

(d) The result can be seen in the reduction in the number of train theft cases since 1947 onwards.

#### INDUSTRIAL EXHIBITIONS

**724. \*Shri Satis Chandra Samanta:** Will the Honourable Minister of Industry and Supply be pleased to state:

- how many Industrial Exhibitions were held in India from 1944 to 1947;
- the names of the places where the Exhibitions were held;
- whether Government intend to hold any Exhibition in 1948; and
- if so, in what place?

**The Honourable Dr. Syama Prasad Mookerjee:** (a) So far as Government of India are aware three Industrial Exhibitions were held from 1944 to 1947. This does not take into account Exhibitions on a small scale held in many parts of India of which Government has no information.

(b) Calcutta, Poona and Bombay.

(c) The following two Exhibitions have been held so far during 1948:—

(i) All-India Industrial Exhibition at Eden Gardens, Calcutta, and (ii) All-India Cottage and Small Scale Industries Exhibition in New Delhi.

There are no proposals at present for holding any more during the year.

(d) Does not arise.

#### RAILWAY BRIDGE OVER BRAHMAPUTRA NEAR KOMARSHYA HILLS

**725. \*Shri Jit Kuladhar Chalhha:** (a) Will the Honourable Minister of Railways be pleased to state whether Government propose to undertake the construction of a Railway bridge over the Brahmaputra near Komarshya Hills?

(b) If so, what will be the probable cost of the bridge and what is the time required to complete the construction?

**The Honourable Dr. John Matthai:** (a) The Government do not propose to undertake the construction of a bridge over the Brahmaputra near Komah-shya Hills.

(b) In view of the reply to part (a), the question does not arise.

#### MANUFACTURE OF MACHINERIES BY GOVERNMENT

**726. \*Dr. P. S. Deshmukh:** (a) Will the Honourable Minister of Industry and Supply be pleased to state the kinds of machinery for the manufacture of which Government have now a definite plan?

(b) Do Government propose to lay a Copy of the plan on the table of the House?

(c) From what date is this plan to come into effect?

(d) What progress has so far been made?

(e) What is the target for the first year?

(f) What is the machinery for the execution of the plan?

**The Honourable Dr. Syama Prasad Mookerjee:** (a) to (f). Government are fully alive to the importance of the establishment and development of the manufacture of industrial plant and machinery in India. While action for the manufacture of textile machinery has already been taken, Government have under consideration plans for the manufacture in the country of machine tools, diesel engines and heavy electrical equipment.

#### DECASUALIZED LICENSED PORTERS ON RAILWAYS

**727. \*Shri M. Tirumala Rao:** (a) Will the Honourable Minister of Railways be pleased to state whether the system of decasualizing licensed porters on Railways is accepted as a policy?

(b) If so, what are the Railways on which it is sought to be implemented, and the stations on the East Indian Railway on which it is enforced?

**The Honourable Dr. John Matthai:** (a) and (b). I would refer the honourable member to my reply on 24th August, 1948 to parts (a), (c) and (d) of starred question No. 426 asked by Seth Govind Das. At present the B.B. and C.I., B.N., E.P. and G.I.P. Railways are experimenting at one large station each for a period of six months with the scheme of direct recruitment of licensed porters and E.I. Railway propose starting their experiment at Burdwan on and from the 15th September 1948. On receipt of final reports from the Railways on the working of the scheme, the matter will be reviewed and a decision taken on whether or not to place the scheme on a permanent footing.

#### FAIR WAGES TO RAILWAY LABOUR.

**728. \*Shri M. Tirumala Rao:** (a) Will the Honourable Minister of Railways be pleased to state whether it is the policy of Government to insist upon the payment of a 'fair wage' to the 'Standing Labour' on Railways?

(b) If so, are the Railway labour Contractors compelled to put this principle into practice?

(c) Are Government aware that the East Indian Railway is encouraging competition among Contractors by not stipulating a minimum fair wage to labour?

(d) Are Government aware that the said Railway is making contract of labour a source of profit to the Railway?

(e) Is it a fact that goods handling contract at Juhi, Kanpur and Kooperganj stations was offered to the lowest tenderer without reference to a fair wage to coolies?

**The Honourable Dr. John Matthal:** (a) This is under consideration.

(b) Does not arise in view of the reply under (a).

(c) The E.I. Railway do not encourage competition as such amongst contractors, but scrutinize all tenders carefully before a tender is accepted. Regarding the stipulation for fair wage, the attention of the honourable member is invited to the reply under (a) above.

(d) No. The E.I. Railway is not making any profit on Goods or Parcels Handling Contracts.

(e) The Goods Handling Contracts at Juhu Kanpur were offered to the lowest tenderer, who was reliable and held other contracts on the Railway. There was no reason to believe that fair wage to the coolies would not be paid. So far as Kooperganj is concerned, the contract was given to the second lowest tenderer, as the lowest tenderer did not confirm to requirements.

#### GOODS HANDLING CONTRACT TO MESSRS. BIRD AND COMPANY AT HOWRAH

**729. \*Shri M. Tirumala Rao:** (a) Will the Honourable Minister of Railways be pleased to state whether it is a fact that goods handling contract at Howrah is held by Messrs. Bird and Company for the last 50 years?

(b) What is the out-turn on a *per capita* basis in the case of the goods handling labour at Howrah and what unit rate per day is paid to Messrs. Bird and Company for supply of such labour?

(c) Was the contract with Messrs. Bird and Company to run on a 'no profit and loss' basis?

**The Honourable Dr. John Matthal:** From the available information it appears that—

(a) Messrs. Bird and Co. have been holding the Goods Handling Contract at Howrah for more than 20 years.

(b) The average outturn per man per day is 86 maunds and the unit rate per man per day is rupees two annas four.

(c) Yes.

#### STRATEGIC ROADS IN EASTERN FRONTIER

**730. \*Srijut Kuladhar Chaliha:** Will the Honourable Minister of Transport be pleased to state:

(a) whether the Government of India propose to take over the road between Jorhat and Imphal in Manipur State up to Palel in the Eastern Frontiers and have it duly repaired;

(b) whether Government are aware that a part of the road between Garampani and Dimapur is being washed away by the Dhamsini river; and

(c) whether any money was granted by the Government of India for its upkeep after the Americans who built the road left India?

**The Honourable Dr. John Matthal:** (a) The road in question consists of two strips, one being a part of National Highway No. 37 and the other a part of National Highway No. 39. The Government of India have already assumed financial responsibility for the maintenance and repair of all National Highways in the Provinces. It is not known what repairs, if any, are required to the road referred to. Information has been asked for from the Provincial Government and will be laid on the table as soon as it is received.

(b) Information has been asked for from the Provincial Government and will be laid on the table, as soon as it is received.

(c) Yes. Allotments of Rs. 27.69 lakhs and Rs. 25.80 lakhs for the years 1947-48 and 1948-49 respectively have been made for the upkeep of all National Highways under the jurisdiction of the Assam Government including the road referred to by the honourable member.

## SURPLUS WAR MATERIALS

**731. \*Dr. Raghu Vira:** (a) Will the Honourable Minister of Industry and Supply be pleased to state how much of the surplus war materials was left in India after the war?

(b) What percentage thereof was purchased by India and Hyderabad respectively?

(c) Were there any other purchasers?

(d) How much of the surplus war materials was destroyed?

(e) What was the nature and amount of each item of these military stores destroyed?

**The Honourable Dr. Syama Prasad Mookerjee:** (a) The total amount of Indian and H.M.G. surplus stores declared for disposal by the Reporting authorities is approximately of the book value of Rs. 234.57 Crores. As regards American surpluses, U.S. Air Force property of the book value of about Rs. 72.88 Crores was taken over by the Government of India. In addition, 43,000 vehicles and about 5,84,000 tons of other stores were handed over by the Americans, the book value of which is not available.

(b) The entire war surpluses were taken over by the Government of India, and the Government of Hyderabad purchased their requirements from time to time from the surpluses declared to the Directorate General of Disposals, in accordance with the prescribed procedure. As regards Indian and H.M.G. surpluses, roughly 0.6 per cent. of the book value of the surplus stores declared to D.G. (D) has been sold to Hyderabad. Information regarding American surpluses is being collected and will be laid on the table of the House in due course.

(c) Other purchasers were the remaining Priority Indentors (Central Government, Provincial Governments, Indian States, Public Bodies), private firms, individuals etc. Certain quantities have also been sold to Foreign Governments *vis.*, Burma, Siam, Nepal, Afghanistan, Indonesia etc.

(d) and (e). Apart from small quantities of foodstuffs, mostly samples, which had deteriorated no other stores reported as surplus have been destroyed by the Disposals Organization.

## DUTY ON SALT FROM PAKISTAN

**732. \*Shri V. C. Kesava Rao:** (a) Will the Honourable Minister of Industry and Supply be pleased to state whether it is a fact that on salt brought over to India from Pakistan by land route a customs duty of annas four per maund is levied and that there is no such duty on salt that comes by sea route?

(b) What quantity of salt is the Indian Union importing from Pakistan?

**The Honourable Dr. Syama Prasad Mookerjee:** (a) No customs duty is levied on salt imported by sea or land into the Indian Dominion from Pakistan or any other foreign country.

(b) The Indian Dominion is to get twenty lakh maunds of rock salt from Pakistan under the recent Trade Agreement reached at Karachi, during the period 1st July, 1948 to 30th June, 1949.

REMODELLING OF TELLICHEERY RAILWAY STATION ON S. I. RAILWAY

**6. Shri P. Kunhiraman:** (a) Will the Honourable Minister of Railways be pleased to state what steps have been taken since the provision has been made in the Railway Budget for the current year for remodelling of Tellichery Railway station on the South Indian Railway?

(b) If no steps have so far been taken what are the reasons for the delay?

(c) When will the work be commenced?

**The Honourable Dr. John Matthai:** (a) Plans and estimates for the remodelling of Tellichery Railway Station are being prepared.

(b) Owing to heavy throw-forwards from previous years and to other more urgent work, detailed planning could not be taken up earlier.

(c) It is now proposed to carry out this work in 1949-50.

RECONSTRUCTION OF OTTAPALAM RAILWAY STATION ON S. I. RAILWAY

**7. Shri P. Kunhiraman:** (a) Will the Honourable Minister of Railways be pleased to state the steps taken for the reconstruction of the Ottapalam Railway Station on the South Indian Railway?

(b) When is it expected to be completed?

**The Honourable Dr. John Matthai:** (a) It has so far not been possible to take in hand the work of remodelling Ottapalam station due to limited resources and the necessity of carrying out other more urgent works. It will be taken in hand when resources permit.

(b) In view of the reply to part (a), the question does not arise.

TELEPHONIC AND TELEGRAPHIC CONNECTIONS OF CERTAIN STATIONS WITH OTHERS ON S. I. RAILWAY

**8. Shri P. Kunhiraman:** (a) Will the Honourable Minister of Railways be pleased to state whether Government are aware of the difficulties and inconvenience which are experienced both by the staff and passengers at railway stations like Dharmadam, Cannanore South, Jagannath Temple Gate, etc. on the South Indian Railway for want of telephonic or telegraphic connections with the nearest railway stations to ascertain the arrivals of trains?

(b) Do Government propose to consider the desirability of providing at least telephones in the first instance at the aforementioned stations?

**The Honourable Dr. John Matthai:** (a) and (b). The Government are not aware of the difficulties and inconvenience complained of by the honourable member. All the stations mentioned are small 'D' class stations, i.e., 'flag' stations or 'stopping' places where no trains are allowed to cross. Provision of telephonic or telegraphic connections are, therefore, not considered necessary or justified at such stations.

CASES FOR REFERENCE TO RAILWAY RATES ADVISORY COMMITTEE

**9. Shri M. Ananthasayanan Ayyangar:** Will the Honourable Minister of Railways be pleased to give an yearly statement of—

(i) cases received by the Railway Board for reference to the Railway Rates Advisory Committee since the establishment of the Committee; and

(ii) cases withheld by the Railway Board from reference to the Committee?

**The Honourable Dr. John Matthai:** (i) and (ii). A statement giving the required information is placed on the table of the House.

## Statement

Year

Total number of cases received by the Railway Board for reference to the R. R. A. C.

Total number of cases withheld from reference to the R. R. A. C.

1926	5	2
1927	26	12
1928	15	9
1929	19	11
1930	3	3
1931	9	6
1932	11	7
1933	8	4
1934	6	4
1935	7	5
1936	1	1
1937	4	Nil
1938	9	3
1939	6	1
1940	4	2
1941	1	1
1942	6	6
1943	Nil	Nil
1944	2	2
1945	1	1
1946	2	2
1947	Nil	Nil
TOTAL	145	82

## CASES DEALT BY RAILWAY RATES ADVISORY COMMITTEE

10. **Shri M. Ananthasayanam Ayyangar:** Will the Honourable Minister of Railways be pleased to lay on the table the information asked for in the table below to show the details of the cases dealt with by the Railway Rates Advisory Committee since the adoption of the Resolution by the Railway Department on 30th September, 1939?

Case No.	Subject.	Nature of complaint.	Date of receipt of application.	Date of receipt of Railways Statement.	Date of Reference of the case to the R.R.A.C.	R.R.A.C.'s Report (Advance copy).	Date of receipt of printed copy.	Date of issue of Government's orders.	Date of action taken by the Railway Administration.

**The Honourable Dr. John Matthai:** A statement giving the required information is placed on the table of the House.

## Statements

Showing the Cases Dealt with by the R. R. A. C. since the 30th September, 1939

R.R. A.C.'s Case No.	Subject	Nature of the complaint	Date of receipt of application	Date of Receipt of Rly.'s statement	Date of reference of the case to R.R.A.C.	Date of receipt of R.R.A.C.'s Report (Advance copy)	Date of receipt of printed copy	Date of issue of Govt's orders	Date of action taken by the Rly. Admini- station
1	3	3	4	5	6	7	8	9	10
57	Rates for Aerated Waters.	Complaint against the B. N. Rly. that they carry free of charge aerated waters produced in their factory and also the returned empty bottles by mail or passenger trains and that as these aerated waters are sold to the public, bazar dealers, etc. the complainants' products are unable to compete with those of the Railway.	28-4-39	19-5-39	14-8-39	15-4-40	20-6-40	31-10-40	Exact date not readily available and has been called for from the Railway.
58	Rates for Lime and Lime stone	Complaint against the D.R.L. Rly. that the special rate of Re. 0-11-0 per ton charged on limestone by the D. R. L. Rly. from Banjari to Dehri-on-Sone for traffic despatched by Stone Suppliers Ltd. for the Rohitas Industries Ltd. is unduly prejudicial and that the rate of Rs. 1-11-0 per ton for limestone and lime on the complainants' traffic to Dehri-on-Sone and vice is unreasonable.	15-9-39	29-7-39	13-9-39	21-7-40	10-2-41	15-2-41	1-3-41

A. C. O's No.	Subject	Nature of the complaint.	Date of receipt of application	Date of receipt of Rly.'s statement	Date of reference of the case to R.R.A.C.	Date of receipt of R.R.A.C.'s Report (Advance Copy)	Date of receipt of printed copy	Date of issue of Govt.'s orders	Date of action taken by the Rly. Administration
1	3		4	5	6	7	8	9	10
59	Siding, Engine and Terminal Charges	Complaint by the Upper Doab Sugar Mills, Shamli, against the levy by the S. S. L. Railway of siding, engine and terminal charges at Shamli.	18-1-39	15-2-39	3-10-39				Case withdrawn by the Complainants in April '40.
60	Terminal Charges	Complaint against the A. B. Railway regarding the unreasonableness of terminal and siding charges levied on goods traffic offered at the complainants' siding at Tinsukia.	18-11-39	15-1-40	7-3-40				Case withdrawn by the complainants in July '40.
61	Rates for Country Spirit	Complaint against the B. N. Rly. that the rates for Country Spirit from Seoni to stations on that Railway are unreasonable and that the existing rates have unduly prejudiced the complainants in competing with Betul Distillery.	8-3-40	1-4-40	18-4-40	29-11-40	10-3-41	10-4-41	Exact date not readily available and has been called for from the Railway.

62	Rates for Wool and Cotton Waste.	Complaint by M/s. Dolep & Sons, Jamnagar, against the quotation by the Morvi Railway of undue preferential rates in favour of traffic in Wool and Cotton Waste booked to Navlakhi (via Wadhwan and Wankner) as against similar traffic booked to Bedi Bander (via Wadhwan and Rajkot).	31-8-39	15-1-40	4-7-40	Case withdrawn by the complainant in Feb. 1941.			
63	Terminal Charges	Complaint against the A. B. Rly. regarding the unreasonable charges of certain terminal and siding charges levied by that Railway on goods traffic offered at the complainants' siding at Tinsukia.	8-7-40	20-9-40	31-10-40	2-10-41	9-11-41	No action taken.	
64	Rates for Flour	Complaint against the B. & N. W. Rly. that the special rates for flour from Allahabad City and etc. and from Benares Cantt. to certain stations on the old B.N.W. Rly. in relation to the rates charged from Aishbagh to the same stations, give undue preference to the Flour Mills at Allahabad and Benares Cantt.	5-10-40	11-12-40	31-12-40	9-5-42	1-6-42	4-7-42	23-7-42

## EXPENSES ON CONDUCT OF CASES ON BEHALF OF RAILWAYS

11. **Shri M. Ananthasayanam Ayyangar:** Will the Honourable Minister of Railways be pleased to state the cost to the Railway Administrations in the years 1938-39, 1939-40 and 1940-41, in respect of legal and other expenses incurred in connection with the conduct of cases on behalf of the Railways?

**The Honourable Dr. John Matthal:** The total legal and other expenditure incurred in connection with the conduct of cases of the seven Indian Government Railways, E.I., B.B. and C.I., M. and S.M., G.I.P., S.I., O.T. and B.N. Railways for the years 1938-39, 1939-40 and 1940-41 is Rs. 3,24,258, 3,25,875 and 2,92,424 respectively. The Assam and E.P. Railways as at present constituted did not exist in those years.

## EXPENDITURE ON COAL COMMISSIONER'S DEPARTMENT

12. **Shri Suresh Chandra Majumdar:** Will the Honourable Minister of Industry and Supply be pleased to state the monthly expenditure for the Coal Commissioner's Department at Calcutta and other places, giving the expenditure for each place separately?

**The Honourable Dr. Syama Prasad Mookerjee:** I assume that the honourable member requires information regarding the monthly expenditure of pay and allowances of staff employed in the Coal Commissioner's organisation at headquarters and elsewhere. I place on the table of the House a statement showing figures of expenditure from April 1948 to July 1948 on (a) the organisation at headquarters and (b) other offices, including the offices of Railway collieries.

## Statement

Showing figures of expenditure from April 1948 to July 1948 on (a) Coal Commissioner's Organisation at headquarters and (b) other offices including the offices of Railway Collieries referred to in reply to Unstarred Question No. 12.

	April 1948	May 1948	June 1948	July 1948
Coal Commissioner's Headquarters Organisation .	1,18,748	1,18,537	1,18,212	1,10,453

## SUBORDINATE OFFICES

Regional Coal Controller (D) Bengal/Bihar, Dhanbad . . . . .	25,327	24,726	21,983	28,469
Regional Coal Controller (P), Bengal/Bihar Dhanbad . . . . .	1,374	1,727	1,811	3,486
K. P. Dock, Kidderpore Hqs. . . . .	3,444	2,360	2,482	2,668
Regional Coal Controller (P) Assam . . . . .	--	--	2,502	2,359
<i>Colliery Offices.</i>				
Kargali . . . . .	38,602	39,883	39,443	40,999
Kurharbaree . . . . .	38,084	38,931	41,709	41,272
Serampore . . . . .	39,984	39,955	40,322	39,885
Swang . . . . .	5,635	5,422	5,358	5,328
Kurasia . . . . .	12,086	11,969	12,071	11,996

April 1948 May 1948 June 1948 July 1948

Bokaro	21,789	21,008	20,804	22,753
Jarangchih	6,946	7,093	6,885	6,497
Talcher	13,235	13,547	14,488	14,095
Duelbera	7,412	7,412	7,490	7,589
Bhurkunda	12,984	13,337	14,405	15,494
Argada	7,971	10,244	10,132	10,072

NOTES : (i) The variations in the figures from month to month are due to the fact that figures relating to more than one month were booked under the final head in subsequent months. Adjustment in "booked" figures, as a result of reconciliation with departmental figures, and periodical (yearly or half-yearly) adjustments also cause fluctuations in monthly figures.

(ii) The figures in respect of Colliery Offices are provisional ; final figures have not yet been received.

### SHORT NOTICE QUESTION AND ANSWER

#### REMOVAL OF CONGESTION AT BOMBAY DOCKS

**Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Transport be pleased to state whether it is a fact that the Bombay Docks have been filled to capacity and that large number of the steamers are waiting in the stream for a fortnight for accommodation in the Docks for discharge of cargo?

(b) Are Government aware that due to want of wagons the cargo could not be cleared from the Docks?

(c) Have the Bombay Port Trust and shipping interests drawn the attention of the Government of India in this respect asking them to provide 1,000 wagons immediately?

(d) If so, what steps have Government taken to remove the congestion at the docks?

**The Honourable Dr. John Matthai:** (a) Government have received reports of congestion at the Port of Bombay resulting in delay to some ships in the matter of berthing and clearance of cargoes.

(b) This is one of the contributory factors resulting in non-clearance of cargoes from the Docks in time.

(c) The number of wagons indented for by the Port Trust was 2,161.

(d) As an immediate step to relieve congestion at the Port, allotment of wagons for the Docks has been stepped up appreciably and orders have also been issued to the Railways to run as many special trains as possible. Further, the Provincial Rationing Authorities have been instructed to provide adequate petrol facilities to clearing agents and others connected with Port clearance, irrespective of any restrictions. Dock clearance is being given the highest priority, even, if necessary, at the expense of other essential goods traffic. Some other measures to relieve congestion, e.g., the construction of an additional uncleared warehouse, are under consideration. The Port Trust Authorities are also making arrangements to provide transit and warehouse accommodation for foreign cargo discharged in midstream into barges and lighters. They have also amended the Port Rules in a manner calculated to discourage any delay on the part of consignees in clearing their cargoes from the port.

**Mr. R. K. Sidhva:** Arising out of the answer to part (b) of the question, may I know who was responsible for the accumulation of this cargo in the docks?

**The Honourable Dr. John Matthai:** It is the result of a number of factors working together. There has recently been a more liberal issue of permits in the matter of imports. A large part of the traffic that used to go to Karachi is now coming to Bombay. There has been recently a considerable number of salt ships which have come to Bombay: there has also been a very considerable amount of machinery and so on imported for Hyderabad which have been lying in the Bombay Port Trust area. As far as wagons are concerned we have been giving the usual quota of somewhere about 50 wagons a day but as soon as this matter was brought to our notice we increased the quota to about 150 a day.

**Mr. R. K. Sidhva:** The Honourable Minister stated that due to the diversion of cargo from Karachi to Bombay this accumulation has arisen. May I know whether he is in a position to tell the House as to how many steamers arrived at Bombay during the same last year and the number this year?

**The Honourable Dr. John Matthai:** I am not in a position to give comparative figures but at the time when the congestion was at its worst, about six or seven days ago, the number of ships awaiting clearance, I believe, was 24. According to the latest report that I received yesterday morning the number of ships has been brought down to 17.

**Mr. R. K. Sidhva:** How many were there last year?

**The Honourable Dr. John Matthai:** I am not in a position to say.

**Mr. R. K. Sidhva:** May I know when first the attention of the Honourable Minister was drawn by the shipping interests and the Port Trust to this matter?

**The Honourable Dr. John Matthai:** I received a telegram from the shipping interests about a week ago and I immediately deputed the Secretary of the Ministry of Transport to proceed to Bombay to make an investigation on the spot and in consultation with the Bombay Government to take as early steps as possible for immediate relief.

**Mr. R. K. Sidhva:** Did not the Chairman of the Port Trust, Bombay, draw the attention of the Honourable Minister three weeks ago to the situation and if that is so, when were the actual steps taken?

**The Honourable Dr. John Matthai:** It is a difficult matter to give an answer on a specific point of that kind. But actually the fact that the congestion had reached limits of this character was not brought to my notice till very recently.

**Mr. R. K. Sidhva:** May I know whether the Port Trust stated that Government should release a large quantity of petrol in order to enable the clearing agents to clear the cargoes from the ports and if so, have Government acceded to that request?

**The Honourable Dr. John Matthai:** Actually the allotment of petrol for the Port Trust authorities is a matter that lies within the sphere of the Bombay Government. When this matter was brought to my notice I asked the Bombay Government to release additional petrol for the purpose and if it became necessary I said I would make a special allotment for province for this purpose.

**Shri Deshabandhu Gupta:** May I know whether it is a fact that the state of affairs at the port was so bad that one of the cargo boats threatened to go back without unloading their cargo?

**The Honourable Dr. John Matthai:** The congestion was pretty bad and I was considering at one point whether some of the ships could not be diverted to other ports.

Wednesday  
1st September, 1948

THE  
CONSTITUENT ASSEMBLY OF INDIA  
(LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Official Report

Volume VII, 1948

(1st September to 7th September, 1948)

THIRD SESSION  
OF THE  
CONSTITUENT ASSEMBLY OF INDIA  
(LEGISLATIVE)

1948



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# CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Wednesday, 1st September, 1948.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

## QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

### MOTION FOR ADJOURNMENT

**Mr. Speaker:** There is an adjournment motion given notice of by the honourable member Pandit Govind Malaviya. Does the honourable member desire to move it?

**Pandit Govind Malaviya** (U. P.: General): No, Sir. It has been suggested to me that I should seek the information by a short notice question and I do not intend to move this motion.

### ELECTION TO STANDING COMMITTEE FOR MINISTRY OF COMMERCE

**The Honourable Shri K. C. Neogy** (Minister for Finance and Commerce): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, one member to serve until the end of the financial year 1948-49 on the Standing Committee to advise on subjects concerning the Ministry of Commerce, vice Mr. B. P. Jhunjunwala resigned."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, one member to serve until the end of the financial year 1948-49 on the Standing Committee to advise on subjects concerning the Ministry of Commerce, vice Mr. B. P. Jhunjunwala resigned."

The motion was adopted.

**Mr. Speaker:** I have to inform honourable members that for the purpose of election by means of the single transferable vote of a member to the Standing Committee for the Ministry of Commerce the programme of dates will be as follows:

Nomination to be filed in the Notice Office upto 12 Noon on Thursday, the 2nd September.

Election, if necessary, will be held on Friday, the 3rd September, in the Assistant Secretary's room (No. 21) in the Council House between the hours of 10-30 A.M. and 1 P.M.

### INDIAN INCOME-TAX (AMENDMENT) BILL

**The Honourable Shri K. C. Neogy** (Minister for Finance and Commerce): Sir, I do not propose to make the motion under item No. 1 on the List of Business and I therefore beg leave to move item No. 3. Sir, I beg to move:

"That the Bill further to amend the Indian Income-tax Act, 1922, be taken into consideration."

[Shri K. C. Neogy]

It is, I claim, a very simple measure. If the House would direct its attention to the two principal clauses of the Bill, *viz.*, clauses 2 and 3, they would find that so far as clause 2 is concerned it is intended to supplant an Ordinance that is sought to be repealed in clause 4. This Ordinance was needed to be passed for the purpose of correcting an error which had crept into the Indian Finance Act. The House will remember that one of the provisions of the Indian Finance Act was to extend the benefit of exemption from income-tax to payments of donations to certain approved charitable objects. It was the intention of the Select Committee to extend the benefit to payments made subsequent to the 1st of April 1948. Although this intention is clearly expressed in the report of the Select Committee, unfortunately it was not incorporated in the body of the Act itself. That led to the passing of this amending Ordinance to which I referred.

Clause 2 seeks merely to substitute a sub-section in the Act, by this measure in place of the Ordinance that is to be repealed.

As regards clause 3, the House will remember that under Section 54 of the Indian Income-tax Act, disclosure of information by a public servant is prohibited in respect of the records of assessment. There are, however, exceptions indicated in sub-section (3) of Section 54. What I seek to do through this clause in the present Bill is to add two more exceptions to the list. The first exception relates to a requirement which we have laid on the Reserve Bank of India for the collection of information regarding foreign exchange transactions. We are expected to furnish certain particulars to the International Monetary Fund on this matter and unless the Reserve Bank of India has access to the assessment papers it cannot effectively discharge that obligation. We therefore propose to authorise the furnishing of these particulars to the Reserve Bank of India, under the proposed sub-clause (n) of sub-section (3) of Section 54.

Occasion has also been taken to add another exception, namely (o) for the purpose of facilitating enquiries into charges of corruption against government officials. The effect of this new sub-clause (o) would be to remove the obligation of secrecy laid down under Section 54 in respect of records of assessment relating to government officers, so that whenever any investigation is undertaken on the basis of any suspicion of corruption against a government officer the assessment papers may be available to the investigating officers.

These are the objects of this Bill and I do hope that the House will readily pass the Bill. Sir, I move.

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

"That the Bill further to amend the Indian Income-tax Act, 1922, be taken into consideration."

The motion was adopted.

**Mr. Speaker:** We will now take the Bill clause by clause.

The question is:

"That clauses 2 to 4 stand part of the Bill." -

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Shri K. C. Neogy:** Sir, I move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

### TERRITORIAL ARMY BILL.

**The Honourable Sardar Baldev Singh** (Minister for Defence): Sir, I move:

"That the Bill to provide for the constitution of a Territorial Army for India be taken into consideration."

During the last session of this House I announced the Government's decision to constitute a Territorial Army for this country. In that statement I had indicated that the Territorial Force Act of 1920 might not be entirely suitable for the Territorial Army that we now proposed to raise. After careful examination it has been found necessary to have a new Bill altogether. For instance, the old Territorial Force Act of 1920 has got a provision that all the members of that Territorial Force shall be subject to the British Army Act. Now that does not suit us under the changed circumstances. That is the main reason why it has been found necessary to have a new Bill.

As regards the actual provisions of the Bill I may point out that we have based the Bill on general principles. We have not gone into details. The details are to be worked out in the Rules. The Rules will make provision for all the details that are necessary for the working of this Bill. In view of the experience gained in the past, we have found it unnecessary to make statutory provisions for things for which statutory provision is absolutely unnecessary.

As the House will recollect, there was a general desire from every member of this House and also the country in general, that we ought to have a Territorial Army as early as possible. The main purposes for which this Territorial Army will be used have been indicated in the Bill itself. In addition to that,

**12 Noon** this Territorial Army will go a long way to meet the general desire amongst our population that military training should be given to everyone of those who wish to have some kind of military training. As I indicated previously, although we have limited the size of this Territorial Army to 1,30,000, as soon as this target is reached, and if there is a general desire that this number should be increased, well, that will certainly be considered by Government. There is absolutely no limit. But, to begin with we have to put a certain limit. That was fully explained in the last Budget Session of this House.

I do not think, Sir, there is much to explain about the general principles of the Bill. Everybody is agreed about them. There are certain amendments which have been given notice of. These have been discussed with the members who have given notice of them, but I will deal with them as and when they are moved. But one thing I would like to point out, namely, that some members have got a little bit of doubt and they think that we have omitted any reference in the Bill to the urban unit. There was a special provision in the old Act to raise urban units. By the omission of these urban units we do not mean that the urban units will not be raised. But what I am anxious to avoid is any reference to urban or rural units. It is our intention to raise the maximum number of units in the urban areas as well as in the rural area.

Then I have also promised that the rules which will be made under this Act will be placed before the Standing Committee of this Legislature for Defence, and they will have the opportunity of making any suggestions which are considered necessary.

With these observations I commend my motion for the acceptance of the House.

**Mr. Speaker:** Motion moved:

"That the Bill to provide for the constitution of a Territorial Army for India be taken into consideration."

I find that two honourable members—Shri Biswanath Das and Shri Mahavir Tyagi—have tabled amendments to this. Do they intend to move their amendments?

**Shri Mahavir Tyagi** (U. P.: General): I want to make a few general comments at this reading.

**Mr. Speaker:** I want to know whether he proposes to move his amendment.

**Shri Mahavir Tyagi:** No. But I thought you would permit a general discussion.

**Mr. Speaker:** My question was whether the honourable member desires to move his amendment and I understand his answer is in the negative.

**Shri Biswanath Das** (Orissa: General): I do not propose to move my amendment.

Sir, while welcoming the measure as a very necessary one, I must say that I feel we are not at all satisfied with the way in which it has been proposed to be rushed through the Legislature. Sir, this could have been brought before the Legislature a little earlier in this session so that we could have taken it through the process of the Select Committee. There are important provisions in the Bill which need revision. The old Act does not suit the present conditions; in view of the changed conditions, I am glad that the Bill has been brought and it proposes to give the necessary military training to the people of the country.

Sir, in that view of the question we welcome it; but there are certain provisions like clause 7 of the Bill which leaves the power in the hands of the Central Government to take these trainees to places outside India. Here I believe certain modifications are necessary. Trainees have to be called as provided in the Bill to have military training and to be utilised for the internal security of the State as also to serve as a second line of defence for the Army. That being the position, I do not think that it would be fair to expect that the people who are coming under the discipline and training of the territorial force should be called upon to go to places outside India.

Then again, in clause 9 of the Bill power has been given to the Government of India to make adaptations of the Army Act. Sir, adaptations are odious—adaptations may be necessary but nonetheless they are odious. We do not want adaptations. The Bill has been designed more or less on the lines of the Territorial Army Act of England. Why not incorporate the necessary provisions in the framework of the Bill? Why leave everything to the executive and nothing in the Bill itself? I should think that if this Bill had been introduced in time and gone through the process of the Select Committee, many such improvements could have been effected in this regard and necessary and useful provisions could have been included in the framework of the Bill so as to make it unnecessary for my friend to go in for adaptations.

Thirdly, the details of the Bill are practically left to the rule-making power of my honourable friend. We have no objection; the Government should have power to make rules—we welcome them in a sense, but, Sir, I cannot agree to the rules being framed by the executive Government of the day without coming to the Legislature. That means and implies giving the executive a power which you and I would not agree to do. I trust them, but there is a limit to trust, there is a limit to confidence; I think they should also reciprocate the trust that we give them, namely that they should not hesitate to come to the Legislative Assembly to get the rules approved. In this view of the question

I would not agree with my friend that the rule-making power so vested in the executive should be utilised without at all coming to this House.

Having stated so far, I should say that most of the details that are so very necessary and essential for giving effect to this Act have been left to the rules. I would appeal to my honourable friend to agree to go through the process of approaching the Legislature to get approval for the rules that are framed by him. That is necessary as that gives the Government a sense of responsibility and a sense of relief because they will be sure that the rules that are framed by him have the legislative sanction behind them and as such have also the popular support behind them. In view of that I appeal to my honourable friend to agree to this.

Sir it is no use passing Bills. In the course of this short Session, we have passed a number of Bills. Passing of Bills without the intention of giving immediate effect to such Bills takes us nowhere. You have taken away the responsibility of Rashtriya Swayam Sevak Sangh to give some sort of physical training to the people. You have practically in a way asked the people of this country not to have volunteers so as to get a sort of modified military training or physical training in a certain specified manner. Having done all this, I think it casts a serious responsibility on the Government to take up all these on their hands; whether the Government that has to discharge this responsibility is of the Province or the Centre, it matters very little, but the responsibility has to be discharged. Unless and until you discharge this responsibility you will be answerable to, the honourable members of this House and the honourable members of this House will certainly be responsible to the people of this State. Sir, protests have been made from various quarters to such an extent that certain friends in the Punjab had to feel the necessity of taking to satyagraha. In this view of the question I would appeal to my friend to take an earnest view of the question and try to give effect to the provisions of the Bill and have a Territorial Force which he and we so much desire to have as early as possible.

With these words, Sir, I thank him very much and I wish him good luck.

**Shri S. K. Patil** (Bombay: General): Mr. Speaker, Sir, I rise to heartily welcome this very important measure. Although superficially it appears to be a very simple measure, because it has not many sections and no complications, in my view it opens a new and important era in the defence resources of our country. My honourable friend the Minister for Defence will not take it as an adverse criticism if I say, Sir, that a measure of this description should have been introduced in this House within the very first month of our achieving freedom. We have passed about a year and if this measure was taken so early as that, I have reason to believe, and I think the honourable members of this House will agree with me, that by this time we should have got this one lakh and thirty thousand soldiers that we want to create under this new scheme.

**Shri H. V. Kamath** (C. P. and Berar: General): More than that.

**Shri S. K. Patil**: As I said, Sir, and as has been pointed out by the Honourable Minister in charge, although the Bill appears to be simple it has got very important and far-reaching repercussions. As the statement of objects and reasons has very clearly pointed out, this Territorial Army is intended to be a second line and another source of reinforcement of our regular Army. We have realised rather painfully during these days how important the existence of such an Army is to India in the present context.

Another thing which is also very important is that this Army is intended to assist the internal defence duties. We have been going through very hectic times during the last twelve months and at every step we found that it was

[Shri S. K. Patil]

necessary that our internal defence duties were carried on, not by the regular Army, but by some such Army which we are contemplating to create under this measure. So also this Territorial Army is also going to be responsible mainly for the anti-aircraft and the coastal defence. Now, if we take anti-aircraft and coastal defence, we can quite realise in a vast country like India with thousands of miles of coastline which luckily we possess how many thousands if not lakhs of people we require if our coastal line defences are to be perfect and our anti-aircraft defences are to be efficiently maintained.

Along with that, there is a view which has been very clearly expressed in the Statement of Objects and Reasons that an Army of this description is intended to give the youth of India an opportunity of training themselves to defend their country. Ever since we became free, there has been a wave throughout the length and breadth of this country, and millions of young men are ready today to join even the regular Forces if only they get an opportunity. There have been talks everywhere about national conscription. There are people who may think that why in the days and the times through which we are passing there should not be a national conscription. Many people do not understand and realise the difficulties of national conscription, but if this Bill had been introduced in time, all those who believe that a national conscription was necessary would have got something instead on which as a nucleus they could have built up their dream of a national conscription. Therefore, taking into consideration all these points, it is not a day too soon that this legislation has been introduced.

My honourable friend the Minister for Defence has stated that although under the present scheme he contemplates a Territorial Army of a 1 lakh and 80 thousand he believes that possibly this would be a nucleus and more such schemes will be forthcoming, or under this very Act it would be possible after a year or after the period stipulated to have Armies either of another 1 lakh and 80 thousand or even more. May I appeal to him in all humility that he should take stock of the situation in which this country is placed, exposed as we are to external danger, also exposed as we are to internal insecurity, and therefore there is a necessity that we must have at least a million of such army. There was a time when I used to talk of ten millions but that is neither necessary nor possible—we do not want to conduct any invasion and for that purpose we do not want an offensive Army—but even for the defence of a country which is so vast as ours and especially of our coast-line which is really subject to attacks in every direction—possibly it may not be within the next few years, but surely a country like ours could not remain for a long time defenceless from a naval standpoint—so for all these purposes we should not be content with having a Territorial Army of only 130 thousand soldiers. We must have an Army which is at least ten times as large as that, but surely if we have to look upon the provisions of this Bill as a nucleus on which that type of Army can be built up, then from that stand-point I have no hesitation in welcoming this Bill.

Several objections have been raised and it has been pointed out by my honourable friend Mr. Biswanath Das who spoke before me that too much power has been taken by the Centre. In fact, there is nothing in this Bill except provisions to say that that power has been given to the Centre. May I tell him that although as a democrat I would always fight so far as the rights of this House and of the people of this country are concerned—and they should get as much democratic power as possible—so far as the Army is concerned, I shall really make an exception and say that the more the concentration of power in the hands of the Central Government the better it is for the safety of the country and from every stand point. Therefore, I am not at all sorry that the power has been vested in the Government of India. Surely, it is not suggested that this is such a democratic subject that we should get the Provinces and the States and everybody into our schema and we shall so decentralise

the power that every unit thereof should be autonomous and should get some voice in this Army. It is certainly a proposition which is not acceptable to me at all. We have been faced with certain suggestions not merely made by Mr. Das but by others as well. There have been criticisms and there have been amendments and I am taking stock of the situation as a whole and I am coming to this view that at least so far as the constitution of the Indian Army is concerned, for many years to come at any rate, I would like the Government of India to take as much power in its own hand as is possible to be done under the circumstances. We are an infant Government yet as a free country. It is only twelve months since we are free and the roots of nationalism have not yet gone deep into the soil. Our nationalism, excuse me when I say that, is only skin deep. It has got to go deep down into our blood, into our soul, and until then it is dangerous to expect that the Army should be so constituted that every unit, every Province and every State must have some say in the matter. That would be an impediment in the building up of that Army. If that proposition is seriously advanced by anybody, I should say that it is detrimental to the interests of this country and it ought not to be entertained even for a minute.

It has been pointed out, possibly on the analogy of the Indian Territorial Force under which we had built up an Army, that this should be something on that model. May I point out to this House that there is a word of difference between the conditions which existed in 1920 when that Act was passed and the conditions of the times in which we are living today. In those days it was not very fashionable or popular to join the ranks of the Army and for that all manner of temptations had got to be put in the ways of the people. The people had to be actually cajoled and for that purpose many Advisory Committees had to be appointed, Zonal Committees had to be appointed, Amenities Committees had to be appointed. Somehow or other, the thing which was distasteful had to be made popular or fashionable and for that purpose you had to do all these things. But now, is there any member who seriously suggests that in order that we shall constitute a proper Army all those temptations are necessary? Open the gates, and you will find thousands and millions of our young men would walk into them, because they know only too well that it is their duty—primary and sacred duty—to defend the borders of this country and to see that the internal security is well established in this land. Therefore, all those things which existed in those days need not be repeated today. Any time it seems to you that the co-operation of the people is not forthcoming in required measure, surely it is open to the Defence Minister to come before the House and amend the Act accordingly if by rules that same purpose could not be secured. Therefore, I am not with those people who really believe that this Act should have been framed on the same model as the Territorial Forces Act 1920.

The Honourable Minister has pointed out that he has done away with the difference between the urban units and the rural units; he has also done away with the difference between the martial races and the non-martial races; he has also done away with the preferential treatment to this province or that province; that possibly Punjab is a martial province and Madras and Bombay perhaps are less martial.

**An Honourable Member:** But Madras is very martial now.

**Shri S. K. Patil:** Yes, they are very martial. I am only saying that I am glad the Honourable Minister in charge of our Defence has done away with all those differences, inferior, superior and all that kind of thing. India, today, is one. Its national integrity is beyond question. It is the right of every son and daughter of India that he or she should stand four square for the defence of his or her country and that all this imaginary distinction of martial race, etc., should go and everyone should work for the defence of the country. Therefore, if these differences are done away with—

[Shri S. K. Patil]

I am not at all sorry about it. I know that conditions will differ in rural and in urban areas so far as actual recruitment is concerned or the training and other conditions. But for that purpose we need not make a statutory provision that there shall be urban units and rural units. It must be possible for anyone who wants to join the army, whether he resides in a village or in a city, to join it without any impediment being put in his way. I am rather afraid that the Honourable Minister, when the scheme is announced, will find himself in difficulty because he will find ten times the number of applications that he wants, in the very first month. There is such a spirit today in the country that everybody who wants the country to be defended will come and join this. Therefore his arrangement must be so flexible that at any time when he wants to extend it there may be enough room for such extension. I know there is dearth of trainers and elaborate arrangements have to be made. It is not of course done overnight but will take some time. But we have to bear in mind that this is just a beginning. If we create an army of 180,000 people this is the first step and the beginning; and I think in ten years we shall find that this territorial army has multiplied tenfold. Therefore I appeal to those who have given notice of amendments and believe in the high principles of democracy that the time has come when the passing of this Bill ought not to be delayed even by a day. I am very glad that the Honourable Minister brought this Bill today; he should really resist the temptation of accepting any amendment which would result in delaying the passage of this Bill. It must be passed in this session and he must immediately put it into action.

We are told here—and very rightly too—that Government will frame rules; to meet contingencies the rule making power has been taken by Government as usual. But no time should be wasted in making those rules. Sometimes it does happen both in the provincial legislatures as well as in the Central Legislature that the rule-making power is taken by Government but the rules are not made for months and years and therefore the implementation of an important Bill becomes impossible. I am sure the rules must have been already made; but if they have not been made there must be no avoidable delay in making them, so that the implementation of this Bill may start on the day that this measure receives the assent of the Governor General. I welcome this Bill and I assure the Honourable Minister that the youth of India is waiting for this. In fact our young men have become impatient. They wanted this measure much earlier. But as it has come now the Honourable Minister should take every step in his power to see that India builds up one of the strongest defences in the world not only for defending its borders from foreign aggression but also for keeping the internal security which is so very necessary for its peace, progress and prosperity.

**Shri Biswanath Das:** Sir, on a matter of personal explanation, I do not see where both have offered. I have stated that we have confidence in the Ministers and are prepared to give them any amount of power, but on the principle of reciprocity they should also have confidence in us and agree to have all these rules confirmed by us. Then I stated that in the rule-making clause of the Bill there is no provision even for placing the rules on the table of this House. Therefore the only difference between my honourable friend and myself is. . . .

**Mr. Speaker:** Order, order. The honourable member cannot argue the matter further; he can only give a personal explanation. Mr. Patil did not refer to him personally; in fact he clarified the point that he was not referring to Mr. Das. He was referring to all the amendments and not to any specific amendment.

**Pandit Hirday Nath Kunzru (U. P.: General):** Sir, the Bill before us undoubtedly deals with a very important subject. The Statement of Objects and Reasons fully indicates the purposes of the Bill. It will provide, when

passed, a very important means of diffusing military education in the country. But in considering this Bill I think we shall be justified in taking into account not merely its professed aims but also the language in which the intentions of Government have been expressed. I am not prepared to dismiss the subject as airy as my honourable friend Mr. Patil did. The question of the contents of the Bill is of great importance even at this time, and perhaps it is of greater importance now than it was ten or twenty years ago because of the increased consciousness among the people.

Sir, apart from clause 7 of the Bill which deals with the liability for military service there is nothing in this Act which can be regarded as of fundamental importance. This clause undoubtedly contains a very important provision that no member of the Indian territorial army would be required to perform military service beyond the limits of India except under a general or special order of the Central Government. In this respect it follows the language of the Indian Territorial Force Act. But with this single exception what does this Bill contain? All it tells us is that there will be a force known as the Indian Territorial Army, that members joining it may be punished and that they will be subject to such rules and regulations as Government in their wisdom may choose to make. Now there are undoubtedly matters which have to be left to be provided for by the rule-making power of Government. The complexity of administration, both in this country and elsewhere, has made it impossible for Parliament in any country to embody even all important details in a Bill. In consequence of this the power of the executive has increased greatly. But we have to see as guardians of public rights and interests that this rule-making power is not allowed to be increased to such an extent as to make legislation virtually a farce.

There must be certain matters which the Parliament should legitimately claim to control. It is only when the execution of the main purpose of a Bill is to be considered, that discretion can be given to the executive to carry out the purposes of a Bill. Looking at this Bill from this point of view, can it be said that all the matters that have been left to be dealt with under the Rules and Regulations are such as ought to be of no concern to this House? In order to have an objective standard to arrive at some reasoned conclusions in regard to this matter, we might well refer to the Indian Territorial Force Act. We were dissatisfied with the manner in which that Act was worked. The size of the force was limited and the training given was not the same as that given to regular soldiers. I have no doubt whatsoever that the Government will take a much keener interest in the development of the Territorial Army than the British Government did. But there are certain provisions which the British Government considered necessary to include in the Indian Territorial Force Act in order to enable a citizen who wanted to join the force to know what his minimum rights would be. One of the things to which I should like to draw the attention of the House in this connection is that the Indian Territorial Force Act recognised the importance of establishing an Urban unit. The reason for it was that public opinion desired that opportunities for military training should be provided not merely for the rural areas, but also for the urban areas, to educated people, who would not be able to give up their advocations in order to join the force. This is an important provision. I will not dispute the good intention of the Government. I have no doubt that my honourable friend the Defence Minister is as keen as anybody else that more urban units should be established. But we are looking at the matter from the point of view of principle. We are told that the force will consist of officers and garrisoned persons. We should be assured that there will be in addition to rural units, urban units. I suppose it is absolutely necessary to lay that down in the Bill. The common opinion is that the army would consist of officers and the rank and file. Yet, this matter has been excluded in the Bill. A far more important matter has been excluded on the ground that it can be dealt with under the Rules. Sir, the Govern-

[Pandit Hirday Nath Kunzru]

ment ought to realise that there are people in the country who want to receive military training under the Act which is going to be enacted. They will naturally compare the Bill before us with the Act passed by a foreign bureaucratic Government. Will it be a source of great satisfaction to them that provisions which were regarded as important features of the Act have been excluded from the Bill which we are now considering?

Again, Sir, the Indian Territorial Force Act provides that no enrolled person should be transferred from one branch, from one corps or unit of the force to any other branch or corps or unit without his consent. Such a provision finds a place not merely in the Indian Act, but also in the British Territorial and Reserve Forces Act. I have to draw the attention of Mr. S. K. Patil that England has a National Government. The Act to which I have referred, has a body, it is not a skeleton, which gives complete power to the Government to do as they like. If the British Government considered it necessary that such a provision should be included in the British Territorial and Reserve Forces Act, I should like to know what justifies this exclusion from the present Bill. I am sure, the House will grant, whatever confidence it may have in the good intentions of the Honourable Defence Minister, that such a provision which confers a definite right on the members of the force ought not to be omitted from the Bill.

To illustrate my point, further, Sir, I would refer to another provisions of the existing Act. It relates to the replacement of the Territorial troops, as soon as circumstances permit, by regular or other troops. This, undoubtedly, has left a great deal of discretion in the hands of the military officers. In an emergency, the Government cannot deprive the executive officers of this discretion. But, the Act clearly pointed out that the purpose of the force was to help the regular army in case of need only to the extent that its help was necessary. This provision too finds no place in this Bill. I was unfortunately not in the House when my honourable friend the Defence Minister spoke. I was therefore unable to profit by his observations, but I have no doubt that when he replies his defence will be that none of these matters would be overlooked and that all of them would be adequately provided for in the rules. My honourable friend would in effect say to a citizen: "Trust the Government to do the right thing. You have no rights except such as the Government chooses to give". Is this the language in which the Defence Minister proposes to say to the people of India in the Year 1948? Is this a course which my honourable friend, Mr. S. K. Patil would seriously advocate to this House? I am afraid he spoke a little undauntedly and with too much enthusiasm. If he reflects over the matter, I am sure he will realize that the position in the country is not such as to enable anybody to claim that the people would be perfectly satisfied with the motives and intentions of the Government and would need nothing in order to assure them that those good motives and intentions would be fully carried out. A stand like that taken by the Government might easily have been taken 20 years ago. The ordinary citizen was of no account then. Then the military authorities enjoyed great prestige and power, which they no longer do. It was considered necessary even by the British Government while framing the Territorial Forces Bill to include certain provisions which are essential and clothe the Bill with flesh and blood. For the reasons that I have given, Sir, I do not at all approve of the course which Government have chosen to adopt. I think it is an entirely wrong course and I trust that the House will not permit such a Bill ever to be brought before it in future. It is a travesty of legislation, Sir, that we should be asked to consider a Bill which practically confines itself to say that there shall be an Indian Territorial Army, which shall be governed in such a manner as Government may from time to time desire.

There is one more point, which I should like to refer to before I sit down. During the War, the services of women were needed in every country. We had to set up a special organization in India in common with other countries that were engaged in the War to enable women to play their part in the struggle that was going on. Now, I should like to know what are the intentions of the Government in regard to this important respect. Nothing, as I have already indicated, has been said in the Bill on this subject. The experience of the War has shown, Sir, but I think it is necessary for Government to tell the House in what manner they propose to utilize and train the women to be helpful to the country in an emergency. Sir, we know the various ways in which women served during the War. The National Cadet Corps Committee has recommended a scheme for the training of girls to discharge such duties as they might suitably be called upon to perform in a war. Having been the Chairman of the Committee, it is not for me to say whether its recommendations are sound or not. But I think that they provide a good starting point. Government need not wait till the girls who have received training under the scheme recommended by the National Cadet Corps Committee are ready to join any organization for women that might then be set up by Government. There are already in this country women who would be prepared to undergo training to fit themselves to help men in a crisis. There are some who are trained during the war and some of them can be used as Instructors and the others can be used in order to provide the nucleus of an organization which we hope will expand in the future. These are the main points which I should like to put before the House. I know that the House in its present temper, will not be prepared to introduce any new provisions in the Bill. I have, therefore, not troubled myself with giving notice of amendments, but I must say again with all the force at my command that this Bill should not provide a model for the future; its form is as unsatisfactory as it could be; it seems to me to have been hastily drafted, so that something might be passed by this House before this session. Now the Government are making a virtue of their fault and insisting that the points which were included in the Indian Territorial Force Act had better be left to be dealt with by the military authorities and the claim, the advantage or flexibility in the present context means telling the citizen that he has no rights whatsoever *vis-a-vis* the Government.

**Shri Mahavir Tyagi:** I also want to take this opportunity of thanking the Honourable the Minister for Defence not for the completeness of the Bill, since it is being criticised, but for the spirit behind this Bill. In fact, since the partition of the country, there has been a lot of frustration in the public mind, and unless there is some such lead which gives an individual an interest in society, something on which he could hinge his hope, this frustration can never be overcome. One does not know what to do in spite of our republican Government. In spite of our slogans, everything seems to have now gone practically wrong and hollow.

I call this a republican Government because we have been sent by the public and we are managing all the affairs of our State.

This Bill at least gives a slogan to the people: it gives a hope to the people. Strategically, partition has not placed us in a very happy position. On the west there is a neighbour who says he is our enemy. We have not yet called him our enemy. But every day on the radio the biggest of their leaders, their Fuhreur, calls us their enemies. He is also on our east, and even inside India there are people who are not very friendly to us. Under these conditions, we must give the public a lead how to withstand this terror—the terror of this enormously intricate situation that is brewing in the air. Every one in the streets wants a cure. Every one wants some way out of it and some lead.

[Shri Mahavir Tyagi]

I beg to submit that if the provisions of this Bill, as have been thought of by the Honourable the Minister for Defence are given shape to, then I am sure that the structure and the set up of that organisation will infuse some hope in the individual. Now things are so hopeless. I read in the papers the other day that on account of some troop movements in East Punjab there was an influx of people from Amritsar and other places. They felt as if war was coming. India has not seen an internal war for a long time and one cannot say what will happen if really this unfortunate catastrophe occurs in India. If there is a war, whether here inside, or on the east or on the western front, one cannot be sure as to what will happen to our population. They are not trained in mass movements. We have already had an experience of the movement of the masses and we have not been able to overcome its effects yet. We have not been able to rehabilitate those masses lying here on our streets. If there is a war, whenever it is and wherever it is, it will lead to chaos. It will give rise to a situation which will be very difficult to control unless we give regular training to our people in the matter of marches, in the matter of movements, and military training. If this Bill is to infuse that military spirit and a spirit of defence in the people themselves, then I must submit that this is for the good of the country.

I am an ex-army man. I had been in the army in the first Great War of 1914. I had non-co-operated. I was court-martialled and expelled from Baluchistan and Persia where I used to be. I had been exiled from there and sent to my home. I have a little bit of experience of war. I submit that whenever there was a question of a territorial army in the British Parliament and in other countries, the main idea behind it was to infuse a spirit into the public—the voluntary spirit of coming out for defence. That was the main idea and that was in fact forced on the minds of the politicians because these politicians have always held that those who joined the army to fight had little initiative: they joined Army, because either they had a charm for the beautiful dress or the uniform or badges or because they had no other means of livelihood. They contended that educated persons who had the fire of true patriotism did not go to the standing armies. In the standing armies there were people, including officers, of all ranks, who went there according to their status. But these people came mainly for the purpose of having some employment and to occupy their spare time and use their energies in eking out a living.

**Mr. Speaker:** The honourable member may resume his speech after Lunch.

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

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

*Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.*

**Shri Mahavir Tyagi:** Sir, I was talking before lunch about the origin of the territorial army. As far as I know these armies came into being because of the fast changing tactics of war. The war lords felt that there was something which was lacking in their armies and that was, tactical initiative which of course the armies of old did not possess. Old wars were fought on the strength of the muscle. Now the war of muscles is gone and our wars are wars of nerves and therefore they wanted to infuse into their armies well developed nerves and a complicated process of thinking which only such men could do as were well educated, and whose feelings of patriotism were well developed. Also there was a demand for civilians to participate more and more and take more and more interest in war affairs. Therefore this idea of the territorial army originated. Since we are also going to raise a territorial

army I beg of the Minister to see that this army is not absolutely deprived of its original roots in the people. It must have regular contacts with the public. The regular army had nothing to do with the public: it was kept absolutely isolated from the people. Every army must have a slogan, because wars of today are the wars of slogans. It so happens that our country has no slogan; being a secular state. The idea of secularity means that we can talk of truthfulness, amity, friendship and so on. But these slogans have no zest or spirit behind them. The strongest emotion of man is either one of friendship, which is maddening or there is another stronger sentiment, which is enmity. I know that enmity is a stronger sentiment. Our neighbours have taken to that fanatic slogan of war against us or calling us enemies. Therefore the bestial spirit in that part of the land will always rise and raise that slogan of war against us. They point out to us as their enemy and they will therefore raise the spirit of their people to fight against us. But our slogans are secular and have no force: they are only a pious sort of slogans. We had no slogan till now. But there is another strong feeling in man: it is the feeling of security, survival or protection of oneself and that instinct of self-preservation is the basic instinct of man. By raising this territorial force in the country we are giving to our people a slogan of survival. This is a slogan which will appeal to the country and therefore I welcome this measure.

Sir, I have nothing more to say except that the Bill as drafted is slightly lopsided, as far as its balance is concerned, as it is more in favour of the rule making authority. I agree with my learned friend Pandit Kunzru when he says that most of the laws which this House has enacted are in favour of the power which will frame the rules in regard to these Acts. It is not the elected representatives who frame the rules, it is not the Honourable the Defence Minister who frames them although for all practical purposes he is responsible for every word and letter of the rules and their spirit too. Actually what happens is that the Secretary or one or two officials draft the rules and the Minister may make a change here and there. When those rules take shape into law it will come to this that instead of the legislature legislating for the country and the army, it would be one or two officials who will legislate. Therefore I submit that this Bill is lopsided in its balance because it is more in favour of the power, *vis.*, the secretariat officials, who will frame the rules. Those rules will for all practical purposes in the long run be the law which will govern our boys when they join the territorial army, take their training or go to their barracks. Those rules are the rules which will concern the man in the street because it is those rules which will tell the man who wants to offer himself as a recruit, whether the Territorial Army is worth joining or not. I therefore hope that when the rules are framed they are brought to the notice of the House and if any changes are required this House may be given an opportunity of having their say as to whether they would like to change any rule or not.

Since, Sir, it is a matter which relates to the army I wish to take this opportunity of saying a few words regarding those of our lads in the army who have been slain in Kashmir. Those young boys have given their lives for the cause of the safety of our country and our sympathies go to them. It is not the referendum of hands that counts but the referendum of the heads that lie beheaded on that stony soil of Kashmir. It is they who have decided our fate. If those dead ones could listen to our voice we wish to assure them through this Act that we hope to accomplish what they could not in their attempt and shed their blood. Let those beautiful flowers which will blossom in the valley of Kashmir bespeak their appreciation of the great deeds of valour which our young boys have done and the spirit they had displayed. Let our young lads by enrolling themselves in the territorial army express

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their appreciation of the heroism of those young men who have given their lives and assure them that they are following the path which they had shown.

**Prof. Shibban Lal Saksena** (U. P. General): Sir, this is a Bill which has probably been very eagerly awaited. My honourable friend, Mr. Patil was right when he said that this Bill should have been the first Bill that this Legislature should have passed. However, we had to wait for a whole year for the Bill to come before the Legislature. In Russia, when they had won the Revolution, Lenin entrusted Trotsky with the job of creating the Red army; and within one year, from out of nothing, they created an army which drove out the invaders within the first two years. We too knew from the very beginning that all around us there were enemies. My honourable friend pointed out that we are surrounded by enemies in the east, in the west, in the north and in the south. Still the Government thought that good-will would prevail and that we could postpone the day when we shall have a National Militia containing millions of people. This House realised the importance and the need of the situation and I remember that our veteran leader Dr. Pattabhi Sitaramayya brought forward a resolution for the formation of a National Militia, about eight months ago. The reply of the Government then was that they would consider the matter and soon raise a Militia. But in the last season we were told in the course of a statement that the Government would form a Territorial Army and that it would consist of a lakh and thirty-thousand people. And then we are now told it was found that a change of the Territorial Force Act was necessary to raise this force. I really wonder why the Defence Department did not see that they could not enforce their decision unless they made a change in the Act. I therefore think that there has been a very great carelessness on the part of the Department in having postponed this Bill till this date. It should have come at least at the time when the Minister made the statement during the last session. Then it could have been implemented and it would have come into force by now and would have helped the country. Unfortunately that has not been done.

What is the position today? Does this Bill fulfil the needs of the country? I think it does not. The main idea behind the demand for a militia is that every man in the country must be able to defend himself. This Bill caters only for one lakh and thirty thousand people. Of course it will make them better trained and probably make them fit to be absorbed into the army when necessary. But I think that the immediate need of the country at present is that the people on the borders and on the frontiers and people who are in danger zones, and also other people in general, should be able to defend themselves. They should be trained in the use of rifles and given rifles and other arms. If there is a war, whose clouds are gathering and which probably is a certainty, what shall we do? I think this Act will not be able to serve the purpose. I therefore want something much more than this. I want to give to the Honourable Minister the experience of my own Province. In our Province our Premier, the Honourable Pandit Pant, has evolved a scheme of training 12 lakh persons. The scheme is to take eleven men from each village and constitute a village militia. It is known as the *Prantiya Raksha Dal*. I am surprised that within the short space of less than one year we have been able to create at least half that number. They have been able to train instructors. The trained instructors are being sent to the villages and now they are raising people in each village so that by the end of the year there will be 12 lakhs of people who will know the use of arms. Of course they will not have rifles because there are not enough rifles to go round. But they will know how to use them. My submission is that the Central Government should benefit by the experience of this Province, take the initiative and see to it that in every Province a body like that is formed.

They should see to it that in every village there are at least eleven persons who know the use of arms and who can bear arms. This should be done in every Province and it should be co-ordinated from the Centre. The Centre should help by way of providing finance and by way of providing military experts for training the people. At the rate of eleven persons from each village, from the 7 lakhs of villages there will be 77 lakh people who will know at least the use of rifles.

Yesterday we were sitting in the Standing Committee on Rehabilitation and we were thinking about problems of how to rehabilitate lakhs of people who have come here. But I see that people are running away from the frontiers—in the west, in the east and also near about the south. How can our big schemes go on under these conditions? People get nervous. They will get reassured only when we are able to have some such scheme which will show that within a year we will have in every village at least eleven persons who will be trained in the use of arms and who will be able to defend the village in an emergency. If our factories are properly run, as they were run during the war, we can have all the rifles we need. My submission is that this Bill is not the Bill which can serve our needs at present. What is wanted is a Bill incorporating a plan for initiating activities like those of the *Prantiya Raksha Dal* in the U.P., in all other Provinces and co-ordinating them. The Central Government should supervise and finance all such activities. It should ask the Provincial Governments to raise such forces and should also finance them. I do not find any difficulty about finance. They can depend on half the contribution from the Provinces themselves. People are coming forward with so much enthusiasm that they are prepared to bear part of the cost of their own messing in training camps and even to pay half the cost of the uniform. When there is so much enthusiasm I do not know why we cannot utilise it.

I want, Sir, that the Honourable the Defence Minister should send the Bill to a Select Committee. We should evolve a scheme by which he can make every Province start a scheme like the scheme of the *Prantiya Raksha Dal* of U.P. The Central organisation should be able to co-ordinate their activities. It should also have these one lakh and thirty thousand men or more, who should be trained as instructors. The Territorial Force should consist of instructors who should be able to give the benefit of their training to other people. That will be something which will reassure the country; there will be then no panic; people will know that the country will not take any aggression lying down.

The issue is grave. Although our brave sons and our brave brothers have defended the soil of Kashmir and the country in the snows, still we do not feel gratified when we hear that there is a reversal or a defeat. We do not want that a small power like Pakistan should be able to give us defeats. I know that they are in advantageous positions; they can have their bases in Pakistan near the fighting lines. Still we are a bigger and a mightier country and we should therefore be able to see that our brave men whom we have sent to defend our honour are not let down. If the enemy has got 80 pounder guns our men should have even bigger guns and we should not be throwing the lives of our men so cheaply. I think the country is agitated over the whole question and people do not want a Bill in this form.

My honourable friend Pandit Kunzru said that there is no flesh and blood in this Bill. I agree with his criticism. The rule-making power should not become the power of making laws. At present really all the laws are made by the rules and the rules will be really what the laws should be. I think this is a power which is very dangerous to our democracy and should not have been given. Still I am in hurry and I do not want that the thing should be held up—

[Prof. Shibban Lal Saksena]

cause the Bill has not been clothed with flesh and blood. I am eager that proper rules should be made as soon as the House passes this Bill into an Act. But I do want that this Bill should become a much more comprehensive measure. The Bill should therefore be sent to a Select Committee where all the provisions of the Bill should be recast in such a manner that the whole Bill becomes a new Bill, having more flesh and blood and providing for all important things in the Act and leaving less important things for the rules, so that it may become fully suited to the needs of the country today.

I also want to point out that today we are only faced with Pakistan. But we are now a free country and we have to take our place among the nations of the world according to what our population warrants. America sent one core and sixty lakhs of people outside its frontiers in the war to fight for Imperialism. That is about 12½ per cent. of its total population. We cannot afford to maintain a regular army even one-fourth of that size. But if we want to live in the world with honour and with our head high we can do one thing. We can train every man in our country who can bear arms in the full use of arms. And that is the purpose of the National Militia or the Territorial Army. I therefore think that if we begin in the manner that I have suggested, and all Provinces start similar things as the *Prantiya Raksha Dal* of U.P., if the men in the villages are given training gradually to make them into complete soldiers, then we shall have very soon 77 lakhs of people trained in the whole country. We can raise the number gradually so that very soon our country will be able to boast itself of possessing an adequate number of trained people who can fight any danger to our country. At present we are in a grave situation. Everywhere peace is threatened. We are all reading in the papers what happens round about Hyderabad, what happens on the Pakistan frontiers, and we have no reply to people who question about these things. I do wish we could give a reply and this Bill, suitably recast in the manner suggested, will give the reply: Our Parliament has passed a Bill; we are prepared to give the whole country training in arms, we shall have a National Militia, a force which will be worthy of our country, which will defend the honour of our country at any time, so that no country dare cast its eyes upon us.

Sir, with these words, I support my request to send the Bill to a Select Committee.

**Begum Aisaz Rasul** (U.P.: Muslim): Sir, I am grateful to you for so kindly giving an opportunity of extending my wholehearted support to this Bill. I welcome the Bill and congratulate the Honourable the Defence Minister for bringing forward such a legislation.

There is no doubt that this new and important measure will open a new era in the military position of our country. I am glad that an opportunity is being given for infusing military education in the country. Sir, at a time when the safety of India is threatened from all sides, we must do everything in our power to strengthen our defence, and I am glad that an opportunity is being given to the youths of this country to take training in the defence of their motherland. It has been rightly pointed out here—and I am glad that the Honourable the Defence Minister has also mentioned it—that for a vast country like India the number of one lakh and thirty thousand is an extremely inadequate number. But I hope that as time goes by larger and larger number of people will be able to receive this military training and that this number of one lakh and thirty thousand will before long be very much expanded.

Sir, a very pertinent question that was put by the honourable Pandit ~~Kanuru~~ was regarding the position of women in the defence of their country.

Experience of the last war has amply proved that women can play a very great and important part in this line. I hope that the Honourable Minister, when making out the plan for this training, will keep in mind the fact that women should also be given an opportunity of training themselves for the defence of their country. We hope that ways and means will be devised and opportunities will be given to women to take the right training in order to make themselves most useful in the spheres in which they can do so in this Territorial Army.

Sir, I know that the House is very much pressed for time and, therefore, with these few words I wholeheartedly support this Bill.

सेठ गोविन्द दास : सभापति जी, मैं इस बिल का स्वागत करता हूँ, यद्यपि मैं यह मानता हूँ कि संसार का प्राण सेनायें भरती करने में नहीं है और तबतक हमारा मानव समाज सुखी नहीं हो सकता जबतक कि हम महात्मा गांधी के बताये हुए रास्ते पर न चलें। मैं तो उस समय की कल्पना करता हूँ कि जिस समय दुनिया में यह फौजें नहीं रह जायंगी और जिस तरह से आज चारों तरफ हमें खून खराबी, रक्तपात दिखाई देता है वह नहीं रहेगा। मैं मानता हूँ कि निसर्ग ने मनुष्य के हृदय में जो पाशविकता दी है वह रहने वाली है। व्यक्तिगत झगड़े दुनियां में कभी खत्म नहीं हो सकते, वे रहेंगे। एक मनुष्य दूसरे मनुष्य से ईर्ष्या भी करेगा। उस ईर्ष्या के फलस्वरूप झगड़े भी होंगे। कभी कभी रक्तपात भी हो जाया करेगा। परन्तु उसी के साथ मैं यह भी मानता हूँ कि जिस तरह आज दुनिया में बिना व्यक्तिगत दुश्मनी के भी फौजें लड़ती हैं, दो फौजों के जो सैनिक होते हैं ये एक दूसरे को जानते तक नहीं, उनमें कोई शत्रुता नहीं रहती, उनमें कोई ईर्ष्या नहीं रहती, उनमें कोई वैमनस्य नहीं रहता, इतने पर भी मैदानों में जा कर लोग लड़ते हैं, रक्तपात होता है, हजारों और लाखों की संख्या में लोग मरते हैं, यह पवित्र्यति ज़रूर बदली जा सकती है। व्यक्तिगत पाशविकता, के रहते हुए, व्यक्तिगत झगड़ों के रहते हुए भी सामूहिक पाशविकता, सामूहिक मारकाट का अन्त अवश्य हो सकता है। कहा जा सकता है कि दुनिया में हमेशा लड़ाई होती आई है और हमेशा होती रहेगी। मैं कहना चाहता हूँ कि दुनिया में जो चीजें पहले होती थीं आज नहीं होती। एक समय ऐसा था, जो कि इतिहास से सिद्ध है, कि जब मनुष्य मनुष्य को खाजाता था और मैं आपसे कहना चाहता हूँ कि वह वक्त ऐसा वक्त रहा होगा कि जो मनुष्य सबसे अधिक मनुष्यों को खाने की क्षमता रखता होगा उसकी समाज पूजा करता होगा, और समाज में वह सबसे बड़ा और माना जाता होगा। आज मनुष्य मनुष्य को नहीं खाता। एक समय ऐसा था कि मनुष्य शरीर का सौदा होता था और यह बात इतिहास से सिद्ध है कि जिसके पास अधिक से अधिक गुलाम होते थे वह समाज में बड़ा आदमी समझा जाता था। लेकिन आज मानव शरीरों से सौदे नहीं होते। गुलामों के बाजार नहीं लगते और गुलामों का क्रय विक्रय नहीं होता। मेरे कहने का मतलब यह है कि यदि हम मानव इतिहास का अवलोकन करें तो हमको यह स्पष्ट दिखता है कि समय समय पर मानव ने जो मूल्य निर्धारित किये उनमें परिवर्तन हुआ है और विश्वास है कि एक समय भी आ सकता है कि जब इस तरह का सामूहिक रक्तपात समाप्त हो जायगा और हम को व्यक्तिगत पाशविकता के रहते हुए भी सामूहिक पाशविकता दिखाई न देगी। लेकिन जबतक यह समय नहीं आ जाता जबतक महात्मा गांधी के बताये हुए मार्ग पर सारा संसार नहीं चलता तबतक हम सेनाओं का अन्त नहीं कर सकते, तब तक फौजों के निर्माण की आवश्यकता है और हमीलिए मैं इस बिल का स्वागत करता हूँ।

[सेठ गोविन्द दास]

मैं माननीय रक्षा मंत्री जी को इस पर बधाई देता हूँ कि वे इस प्रकार का बिल हमारे सामने लाये यद्यपि यह बिल अभी बहुत थोड़े दायरे में हमारे सामने आया है जैसा कि अभी मेरे पहले के वक्ता ने कहा इसका प्रान्तों में विस्तार होना चाहिए। संयुक्त प्रान्त में यह कार्य हो रहा है। हमारे मध्यप्रान्त में भी होमगार्ड का काम बहुत अच्छी तरह से चल रहा है और वहाँ पर हजारों की संख्या में होम गार्ड्स में भरती हो रहे हैं तो मैं यह चाहता हूँ कि यह और अधिक विस्तृत किया जाय।

इसके आरम्भ में लिखा हुआ है कि :

"It extends to the whole of India and applies to all classes of persons in the Territorial Army . . . . ."

हमारे विदेशी प्रभुओं ने अब तक हमारे यहाँ पर कुछ खास खास जातियों को ही फौजों में भरती होने का अधिकार दिया था, लेकिन हम इस बात को कभी नहीं मानते हैं। हम इस बात को मानते हैं कि जिसने भी इस देश में जन्म लिया है, चाहे वह किसी भी जाति में पैदा हुआ हो, उसको अधिकार होना चाहिए कि वह अपने देश की रक्षा में भाग ले सके। यह हर्ष की बात है कि इस बिल में ऐसी कोई कंठ नहीं है कि अमुक अमुक जाति के लोग ही टैरिटोरियल फौज में भरती हो सकते हैं। यह बिल हमारे देश पर लागू होता है और सब जातियों के लोग इस सेना में आ सकेंगे। लेकिन जैसा कि मैं आपसे कहा यह बहुत संकीर्ण रूप से हमारे सामने आया है। मैं आशा करता हूँ कि यह केवल आरम्भ मात्र है और आगे चलकर यह काम बहुत बढ़ाया जायगा। मैं इसका स्वागत और समर्थन करता हूँ।

*(English translation of the above speech).*

**Seth Govind Das.** (C.P. and Berar: General): Mr. Speaker, Sir, I welcome this Bill, although I admit that the raising of armies is not the only effective way for the protection of the world and until Mahatma Gandhi's ideals are not followed, there would be no real peace for the society. I look forward to the day when there would no longer be no armies anywhere in the world, and there will be no bloodshed which we find on all sides at present. I also admit that the bestiality which man has inherited from Nature will persist and personal quarrels will never end in this world but will continue. A man will envy another man and this would give rise to disputes. At times there will also be bloodshed. But along with this I also admit that just as armies fight each other in the world without any personal reasons—the soldiers of both the armies are not even known to each other—they do not harbour any enmity, jealousy or hostility to one another, and in spite of all this they go and fight in the field. There is bloodshed—thousands and lacs of people are killed. Such a state of affairs can surely be changed. In spite of barbarities committed by individuals, mass barbarity and slaughter can surely be put an end to. It can be said that wars have always been waged in the world and they will continue to be waged. I would like to point out that the things which existed in the world previously do not exist now. There was a time when a man used to devour a man and this is corroborated by history, and I would like to tell you that during those days a man who had the greatest capacity to devour men must have been worshipped by the society—and he was regarded as the greatest hero. Now-a-days man does not devour man. There was a time when a man was treated as a saleable commodity—and this fact is supported by the history that he who possessed the largest number of slaves was considered as the biggest man in the community. But now-a-days men are not sold. The slaves are no longer bought and sold in market places.

What I mean to say is that if we read the history of mankind, it would be clearly observed that there has been a change in the valuation of man from time to time. I am confident that a time will come when such sort of mass bloodshed will end and we will not see mass savagery despite the existence of individual savagery. But until this time does not come and the whole world does not follow the footsteps of Mahatma Gandhi, we cannot wind up the armies. Till then it would be necessary to raise the armies and for this reason I welcome this Bill. I congratulate the Honourable the Defence Minister for his having brought before us such a bill, although this has got a very limited scope—just as the speaker who preceded me observed that it should be extended to Provinces. This work is also being done in the United Provinces. In the Central Provinces and Berar also the Home-guards are carrying on nicely and thousands of persons are enlisting themselves in the Home-guard establishment. Therefore, I want that this should be further extended.

It has been laid down in sub-clause (2) of Clause (1) of the Bill:

"It extends to the whole of India and applies to all classes of persons in the Territorial Army . . . ."

Our erstwhile foreign rulers gave the privilege of enlistment to some selected communities only, which we do not admit. We are of the opinion that everybody born in this country to whatever community he may belong should have the right to participate in the defence operations of this country. It is a matter of gratification that this Bill is not restricted to any particular community in the matter of recruitment to the Territorial Army but extends to the whole of India and the recruitment to this Branch of the Army will be open to every community. But just as I have stated this has been presented to us in a very narrow form. I hope that this is only a beginning and its scope would be considerably enlarged in the near future.

I welcome and support it.

**Shri H. V. Kamath:** Mr. Speaker, Sir, so long as British rule had not been liquidated from India and so long as the British had not left our shores, the people of India as a whole were naturally not defence-minded, because the people thought—and rightly so too—that any attempt on their part to enrol for defence or to train themselves for defence meant their defending the British Empire in India and fighting wars of Empire outside India. Our leaders—Mahatma Gandhi and all the Congress leaders—opposed this, and it has been only since the 15th of August 1947 that we, the people of India, have woken up to the reality of the defence of India. From this point of view, this Bill, as one of my friends has remarked, has not come a day too soon.

We, Sir, before attaining our freedom, were told that as soon as India became free there would be introduced or enforced or brought about, three things and they were: nationalisation, industrialisation and militarisation. These three fundamentals of national development were always kept in view before us by the leaders. Neither of these three have been implemented in full today, but we have taken steps forward in all the three aspects. Militarisation has been dubbed as something evil, something pernicious, by various writers and theorists, but it depends, Sir, on what outlook, on what basis, on what orientation, this militarisation of a nation is effected. Leaders like **Shri** and Netaji have shown that with the proper outlook and proper orientation, an Army could be created which could not be corrupted by the usual military practices, and that is the Army which we want to build up for a free India today, so that it can be a model Army for all the countries in the world.

Here, Sir, we come to the proposition: How big can our Army be? There are various computations. Some theorists say that it should be one per cent

[Shri H. V. Kamath]

effective Army; some have gone up to 5 per cent of the population and some say that it could go up to 10 per cent in an emergency. I think, Sir that 5 per cent of the population will not be a very difficult proposition. On that computation, India with a population of 300 million—I would not say 400 million, because we are divided, and 100 million have gone out of India—on a computation of 5 per cent including the Regulars and the Reservists, it should not be difficult for us to have an Army of about 15 million. It is a big a number to think of—an almost astronomical figure—and the expenditure connected with this Army is something enormous, but, Sir, we have to bear in mind that during the last War, Germany with a population of 60 million, i.e. Germany by itself minus the territories which she conquered later, had a trained Army including the Reservists of about 9 to 8½ million that comes easily to 5 per cent, or a little more, and Russia had a force including their Reservists, of about 6 to 7 million. On that basis, therefore, I do not see at all why it is difficult for us to raise a force of 15 million in course of time. We are not embarking on a campaign of aggression or of expansion, but as some of the previous speakers have pointed out, we are menaced from without and there is no doubt that India today is menaced from without by more forces than one and it is as well for us to be on our guard. "To be fore-warned is to be fore-armed."

My friend Pandit Kunzru raised a few objections to the Bill as it has been brought before the House today. I agree with him that the Bill could perhaps have been better drafted and perhaps could have been a bit more clear in certain respects, but I am sorry that throughout his speech he did not put forward any concrete proposals which could have made this measure for creating a Territorial Army more flexible, more elastic, more popular and more in consonance with the will of the people. Had he advanced some concrete suggestions instead of merely criticising this measure, we would have been very happy indeed, because, Sir, he has been an expert in this field for over two decades and I would gladly take lessons from him.

Then there was an objection from my friend Mr. Tyagi about certain rules that will be framed under it or in accordance with it. His objection was that they will not be submitted to this Legislature. In all probability, it is so. But may I remind him that the rules that will be framed by the Secretariat of the Defence Ministry will be brought before the Standing Committee elected by this House. So I would entreat him to have full confidence in the members of the Standing Committee which he and the other friends in this House have elected to assist and co-ordinate the activities of the Defence Ministry.

Then, Sir, one or two more points and I have done. What is the underlying purpose of a Territorial Army? There are two aspects of it. One is to train instructors who will train the men later on in the event of an emergency, and the other is to get ready or to prepare actual combatants. If the basis of the Territorial Army is expansion in case of emergency, then training of leaders acquires far more importance than training of mere combatants in drill and use of weapons, which acquires only secondary importance. In short, we should focus our attention and our energies on this very important aspect of training such leaders as will train the men later on in the event of an emergency. The fundamental purpose of the Territorial Army is to train or to change a crowd of individual combatants into a disciplined tactical instrument, because tactical efficiency is the coping stone of an Army and as long as it is merely a crowd it cannot function in war as a disciplined unit. That is why this Territorial Army should expand its scope so that all citizens will be embraced within its fold. Then, Sir, in the end, I would stress these main points. We wish to create this Territorial Army, and we must train many men who are qualified for that purpose. We must train them in the theory of war, the theory of resistance

and the theory of aggression, the technique of offence and defence and then, Sir, the leaders will train the men later on. This will be the nucleus of the future trainers. Therefore, importance must be given to lecture classes and lecturing tours (Interruption). My honourable friend Prof. Ranga wonders why there should be lecture classes and lecturing tours. He himself opened a Summer School of Politics or Economic or something like that, some years ago, and he is a great believer in lecturing and in speaking and in exhorting. Of all persons in this House, he should be the last to raise any objection to lecturing.

**Mr. Speaker:** Perhaps on this occasion he does..

**Shri H. V. Kamath:** Then, Sir, as I have said, the crowd has got to be trained into a disciplined unit and here, as Mr. Tyagi said, discipline today is more a matter of brain than of brawn and not so much a thing of the body or the muscles as a thing of mind and spirit; and I hope, Sir, therefore that this Territorial Army will in time grow into a very big force which will assist, as is stated in the Statement of Objects and Reasons, the regular force in the event of a national emergency. Sir, I am not a Jeremiah; I do not want to be a Cassandra nor do I want to be a pessimistic or gloomy prophet; I feel, from how events are moving in India—events at home and abroad, that perhaps the day is not far off when, God forbid, we may have to take up arms. Man after all fears and hopes; that day will, I am afraid, come and we may have to take up arms. I hope some of us in this House will join the Territorial Army and set an example to other people in this country to do the same and show what we can do to others, to our friends and neighbours.

I have done. I do hope and pray that this Army, this Territorial Army will grow into a real citizen army of India, into which any citizen will be welcome, man or woman will be welcome. I would refer in passing that in the event of a war or a similar emergency, women would do better to defend our homes and take up jobs which men have left behind in order to join the front and not join the Army directly. They would be of far greater service to the nation by doing this duty than by joining the Army and going to the front. There are enough men in India; man-power is so tremendous here that we can recruit millions of people for the Army who will be glad to go to the front. Sir, I have done.

**The Honourable Sardar Baldev Singh:** Mr. Speaker, Sir, I am glad to note the general approval with which this measure has been received by this House. There has been criticism, which, I think, is based on a misapprehension. I would first like to point out one or two objections which were raised by my honourable friend, Pandit Kunzru. He said that there was no mention of women as far as this Territorial Army Bill is concerned. I may point out that if you carefully go through this Bill, you will find it is clearly stated that in case of emergency, the Indian Army Act will be applicable to the members of the Territorial Army. Now, Sir, members of the Territorial Army are subject to the Indian Army Act and in the Indian Army Act there is no provision for women to be taken on active service; I do not ignore the important role which our women have played in the past and I am sure in case of national emergency, our women will play a still greater part.

**Pandit Hirday Nath Kunzru:** May I put a question? Is it necessary for you to put the entire force at any time under the Army Act?

**The Honourable Sardar Baldev Singh:** It may not be necessary and as I have already pointed out in my speech when introducing the Bill, I have tried to avoid all kinds of complications. It is a Bill which is based on very, very broad basis and as there is no provision for the employment of women in the Indian Army Act itself, they have been left out, but as I have said, it is not our intention to leave them out altogether; in fact, I very much welcome

[Sardar Baldev Singh]

the desire of the House that the women of this country should take an active part in the defence of this country whenever a national emergency arises.

The other point which has been made out by Pandit Kunzru is in connection with clause 7. He made a point that it would be inconvenient for the members of the Territorial force if they were to be transferred from one unit to another. Ordinarily, there is no intention at all to transfer one member from one unit to another, but this provision has been kept in the Bill for an emergency. In case of emergency, it might be found essential for us to transfer members of the Territorial Army from one unit to another. It is impossible for the Government or for anybody to take the consent of the member concerned in an emergency. In case of an emergency, we have to transfer him from one unit to another. It is for this reason that the power has been kept by the Government. But I want to assure the House and my honourable friend, Pandit Kunzru, that in peace-time and in normal conditions, there is absolutely no intention to transfer anybody from one unit to another.

Then, Sir, objection was raised that Government has taken a long time to introduce this Bill I do not think we could help it as I pointed out in my speech in the last session. Immediately after the 15th of August, Government took up this question and at the first possible opportunity the decision of the Government was announced and I promised that the Bill would be taken up in this House as early as possible. There is no doubt that some months' delay has taken place, but as I pointed out in the last session of the House, steps have already been taken and the preliminary arrangements that were required to be taken for the formation of the Territorial Army have already been taken. A Directorate at the headquarters has been established and we have gone quite a long way to take necessary steps as far as the preliminaries of this Bill are concerned. My friend, Mr. S. K. Patil said that he does not want Government to sit on this Bill and take a few months framing the rules. May I inform the House that we have already taken this matter in hand and the rules are practically ready.

Then, Sir, a suggestion was made that the rules should be put before this House. It is very difficult to put the rules before the House and have the Bill passed during this session. The other day, while discussing the different provisions of the Bill informally with the members of the Standing Committee of this House, I gave an assurance that as far as these rules are concerned, I will consult them. And wherever it is necessary to make certain provisions or safeguards, I will be quite prepared to consult them and accommodate the members as far as possible. It is not my intention to do anything which will be detrimental, or to keep away anything from the members of this House. It is only to avoid delay that I have suggested this course.

**Mr. R. K. Sidhva** (C.P. and Berar: General): They must be placed on the table of the House.

**The Honourable Sardar Baldev Singh**: Of course, when the rules are framed, they will be placed on the table of the House. I have nothing more to say except a few comments that I may have to make when the Bill is taken clause by clause.

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

"That the Bill to provide for the constitution of a Territorial Army for India be taken into consideration."

The motion was adopted.

**Mr. Speaker**: The Bill will be taken clause by clause.

**Shri Mahavir Tyagi:** Sir, I beg to move:

"That after part (f) of clause 2 of the Bill, the following new part be added:

(g) 'Advisory Committee' means an Advisory Committee constituted under section 5 for each unit of the Territorial Army."

Sir, I do not want to take up the time of the House by making a speech. The Honourable Minister knows what the significance of an Advisory Committee is. I have moved this amendment just to know what his reactions are to this idea. This idea of an Advisory Committee was incorporated in the previous Bill. I feel some such organisation may put some public spirit in the matter of recruitment and infuse a public spirit in the Territorial Force. It is only for that reason that an Advisory Committee was provided in the previous Bill. I want to know why he thought it fit to drop the idea now. If there are some good reasons for dropping it, I may withdraw my amendment. Otherwise, I move, Sir.

**The Honourable Sardar Baldev Singh:** Sir, I am sorry, I cannot accept this amendment. The reason why it has been left out from the present Bill is that the whole conception of the Bill is quite different. In the old days, there was a provision for an Advisory Committee when the old Government wanted to show favours by appointing members to these Advisory Committees. That was one of the ways with which they attracted people to this Territorial Force. Our conception is quite different. We want citizens of India to voluntarily take an active part. All the same, if after a few months working we think that an Advisory Committee is necessary, I have given an assurance to the Standing Committee that we will provide for it in the rules. There is nothing to prevent us from making this provision. It is not necessary to make a statutory provision.

**Shri Mahavir Tyagi:** Sir, I beg to withdraw the amendment.

**Mr. Speaker:** I am not placing it before the House. I take it he does not press it.

**Mr. Nasiruddin Ahmad (West Bengal: Muslim):** Sir, I have got a verbal amendment. But, if the Honourable Minister is not willing to accept it, I do not propose to press it.

**The Honourable Sardar Baldev Singh:** I am not accepting it.

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

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

**Mr. Speaker:** The new clause which Mr. Tyagi suggests falls through; it is supplementary to his first amendment. So, that amendment need not be called.

The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

**Shri Mahavir Tyagi:** Sir, I beg to move:

"That after clause 5 of the Bill, the following new clause 6 be inserted and the subsequent clauses be renumbered accordingly:

6. *Civil rights and exemptions*—(1) The acceptance of a commission as an officer of the State Assembly, Legislative Council, Constituent Assembly, or Parliament of the Indian Union or any province or State thereof.

[Shri Mahavir Tyagi]

(2) An officer or man of the Territorial Force shall not be liable to any penalty or punishment for or on account of his absence during the time he is voting at any election of a member to serve in any Parliament or Legislature, or during the time he is going to or returning from such voting.

(3) If a Sheriff or Assessor or Juror is an officer of the Territorial Force, then during embodiment he shall be discharged from personally performing the office of Sheriff, Assessor, or Jury."

In submitting this amendment, Sir, I beg to point out that even in the British Territorial Force law, a provision of a similar nature has been made. Territorial Armies are generally meant to infuse a spirit of self-sacrifice in the people for a cause which they hold dear. Here in India, we are debarred according to the provisions here, from accepting any office or holding membership of any Legislature of the country. I submit that if this amendment of mine is accepted, by the Honourable the Defence Minister, he will have a chance of infusing into his Territorial Force persons who can raise the morale of the forces. I hear objections are raised that the Government of India Act prohibits this. I think there also a provision is made that if the Constituent Assembly so desires they can remove this disqualification. Section 26 of the Government of India Act 1935 reads as follows:

"(1) A person shall be disqualified for being chosen as, and for being, a member of either Chamber—

(a) if he holds any office of profit under the Crown in India, other than an office declared by act of the Constituent Assembly not to disqualify its holder"

Sir, "Constituent Assembly" is the word which has been introduced here by Section 8 of the Indian Independence Act of 1947. The Constituent Assembly is authorised to remove this disqualification. It is not necessary that they should do this by means of a separate Act. They can even make a provision in this Act. If they provided that this restriction will not apply to members of the Assembly, this will do. I submit, Sir, there is no constitutional difficulty in the Honourable Minister's accepting this.

**Mr. Speaker:** I think the honourable member need not argue that point. I find that this provision which relates to the disqualification under the Government of India Act by reason of a person holding an office of profit has been deleted in the present Government of India Act as adapted by the India (Provisional Constitution) Order 1947. I do not think that difficulty arises.

**Shri Mahavir Tyagi:** If that difficulty does not arise then, I submit that my suggestion may be taken notice of by the Honourable Minister for Defence and if he feels that members of the Constituent Assembly can add some glamour to his Force, and can also bring dignity which is sought for everywhere,—I submit that this would be an asset,—he may please remove the disqualification.

**Mr. E. K. Sidhva:** May I know, Sir, whether you have given your ruling on this matter?

**Mr. Speaker:** I was considering the point from another point of view, not from the point of view which the honourable member had just argued. I was just wanting to know as to whether there are any provisions in the Army Act, which, when they become applicable, prohibit an officer of the Army from being a member of the Assembly.

**Mr. E. K. Sidhva:** Sir, I wanted to raise this point of order. Even the present Act—I am glad my honourable friend mentioned it—disqualifies a member from holding any office so long as that Act exists; and in the last war...

**Mr. Speaker:** Will the honourable member point out to me the particular section?

**Shri Mahavir Tyagi:** Section 26 of the Government of India Act as amended by section 8 of the Indian Independence Act, 1947.

**Mr. Speaker:** Therefore, I told the honourable member that sections 24 to 27 are omitted in the Adaptation made subsequently. So the section which he reads now is not part of the Government of India Act.

**Shri Mahavir Tyagi:** According to what you say there is no hitch.

**Mr. Speaker:** Therefore I said that it appears to me that there is no hitch. I have, in my hands, a copy of the Government of India Act as adapted by the India (Provisional Constitution) Order, 1947.

**Shri K. Santhanam** (Madras: General): That is correct but no paid official of Government can be a member. When a member becomes a paid official of Government his membership is automatically vacated. Whether any person serving in the territorial army and receiving any kind of remuneration will be treated as a paid official is a matter which will require consideration.

**Mr. Speaker:** Let me proceed clearly. When I saw this amendment, I myself, had a doubt as to whether this should be taken up or not. That is why I looked into the Government of India Act and as I did not find the provision here, I inquired as to what these provisions 24 to 27 were about; and one was section 26 which related to the disqualification of members. That section having been deleted there is no such disqualification now so far as the Government of India Act is concerned. That is what I told the honourable member. Now, of course, there is that other point raised by Mr. Santhanam. I am not quite clear yet, unless I am shown some provision of the law. I quite agree with the propriety of what he is saying that no person who is holding an office of profit in the Government should be a member of the Assembly. But I wanted to be satisfied as to whether there is any statutory bar now, in view particularly of the deletion of this provision from the Government of India Act and retention of this disqualification so far as the Provincial Governments are concerned, as will be found from section 69 of the Act. If there is any doubt about it I may be shown the specific provision.

**Pandit Thakur Das Bhargava** (East Punjab: General): In the Assembly electoral rules there is a provision that any person who holds an office of profit cannot become a member of this House.

**Mr. Speaker:** That will mean that he will be disqualified from standing as a candidate, and those rules were also made before these sections were deleted. We shall have to see what the effect of the deletion is. Therefore I said that I was looking at it from a different standpoint, namely, whether there is any provision in the Army Act which provides any such bar as that. Very probably there is no such section there.

**The Honourable Sardar Baldev Singh:** Sir, I do not think there is any such provision in the Army Act, though it is difficult for me to say off-hand. But all I can say is that the officers of the territorial army will be paid although the amount will be nominal. And if the section still holds good they will come under the definition of the section. But, as you have pointed out, I think this amendment is not necessary as this provision has been deleted.

**Shri Mahavir Tyagi:** Sir, in the circumstances I will not press the amendment.

**Mr. Speaker:** So I will not put it to the House. Anyway, assuming that the view which we hold today is an erroneous one, it is always possible to come to this House for subsequent legislation so as to enable them to hold office if they are members of this Assembly.

پدقت ٹھاکر داس بھارگو : جناب سپیکر صاحب! میں جناب کی اجازت سے

مقدمہ ذیل amendment move کرنا ہوں -

"That in clause 6 of the Bill, for the words 'domiciled in India' the words 'who is a citizen of India' be substituted."

اس کے بارے میں میں صرف اتنا عرض کرنا چاہتا ہوں کہ جہاں تک domicile کا سوال ہے کوئی بھی آدمی Territorial army کا ممبر بن سکتا ہے - کیونکہ قانون میں اسکی کوئی definition درج نہیں ہے - یہ domicile کا لفظ جو ہے وہ با معنی بھی ہے اور دو معنی بھی ہے - اسکی جو کچھ بھی definition ہمکو ملتی ہے وہ صرف اذیتن شکسیشن ایکٹ (Indian Succession Act) کے دفعہ 11 میں ملتی ہے اور وہ اسطرح ہے -

"11. Any person may acquire a domicile in British India by making and depositing in some office in British India appointed in this behalf by the (Provincial Government a declaration in writing under his hand of his desire to acquire such domicile) provided that he has been resident in British India for one year immediately preceding the time of his making such declaration."

اسکی مراد یہ ہے کہ اگر کوئی شخص جسکی وطنیت انگلینڈ جرمنی یا ریشیا ہو اگر وہ ہندوستان میں ایک سال سے رہتا ہو - تو وہ اگر ایک declaration جاری کرے کہ میں domicile حاصل کرنا چاہتا ہوں تو Succession Act کے اس دفعہ کے تحت وہ domicile حاصل کرے گا - اور یہ حاصل کرے وہ Territorial Army میں داخل ہو سکتا ہے - اسلئے میں یہ عرض کرنا چاہتا ہوں کہ اگر اس کی بجائے Citizen of India رکھا جائے تو اسکا مطلب بلا شک یہ ہوگا کہ کوئی دوسرا شخص Territorial Army میں داخل نہیں ہو سکتا - اگر لفظ domicile دہے تو ہر ایک غیر آدمی اس Territorial Army میں داخل ہو سکتا ہے - میرے خیال میں ایسا ہونا بہت بڑی غلطی ہوگی - اور اگر کوئی غیر شخص اس میں داخل ہو جائے تو اس کا نام Territorial Army رکھنا بھی ٹھیک نہیں ہے - آپ کو معلوم ہے کہ یہاں پر بہت سارے آدمی پاکستان سے ہندوستان میں آگئے ہیں - کچھ تو ان میں سے گورنمنٹ کی مرضی کے خلاف آئے ہیں اور کچھ گورنمنٹ کی مرضی سے آئے ہیں - اگر ان میں سے کوئی domicile حاصل کرے تو اسکا اس Territorial Army میں داخل ہونے کا اتنا ہی حق ہوگا جتنا کہ دوسرے کا ہے اور جب تک موجودہ الفاظ دفعہ میں ہیں اسکی بھرتی کوئی بھی طاقت نہیں روک سکتی ہے -

در اصل domiciled کی مراد یہ ہے کہ وہ شخص Indian Citizen ہو - شاید یہ کہا جائے کہ Indian Citizen کی تعریف Constitution بلنے تک نہیں بن سکتی - لیکن یہ درست نہیں ہے - کوئی باہر کا آدمی جب تک ہندوستان میں بذریعہ Naturalization ہندوستان کا National نہ بنے وہ ہندوستان کا Citizen نہیں ہے - اور آپ جانتے ہیں کہ Naturalization Act ہندوستان میں موجود ہے -

ایک آدمی Naturalize ہونے کے بعد کسی جگہ کا National بننا ہے۔ اور جب تک وہ Naturalize نہ ہو تب تک اُسکو Domiciled لکھنا فاطی ہے۔ اگر ایک شخص Naturalize بھی نہ ہوا ہو اور National بھی نہ ہو تو وہ Domicile کہے ہو سکتا ہے۔ دراصل Domicile کا مطلب یہ ہے کہ اگر ایک شخص ایک ملک کو چھوڑ کر دوسرے ملک میں اپنی مرضی سے بسنے کے لئے آتا ہے۔ اور وہاں کا باشندہ بن جائے اور کچھ دیر کے لئے وہاں رہے تو وہ Domicile بن جاتا ہے۔ لیکن اسوقت ہمارے پاس Domicile کی کوئی ایسی تعریف موجود نہیں ہے جو کہ صاف ہو۔ ہر ایک آدمی موجودہ تعریف Succession Act کی دفعہ 11 سے domiciled بن سکتا ہے لیکن Indian Citizen نہیں بن سکتا۔ اسلئے میں عرض کرتا کہ اس بل کے اس دفعہ 1 میں "domiciled in India" کے بجائے "who is a citizen of India" سبسٹیٹیوٹ (substitute) کیا جائے۔

(English translation of the above speech)

**Pandit Thakur Das Bhargava:** Mr. Speaker, Sir, with your permission I beg to move the following amendment:

"That in clause 6 of the Bill, for the words 'domiciled in India', the words 'who is a citizen of India' be substituted."

I would like to say this much only that so far as the question of "domicile" is concerned, any body can get himself enrolled in the Territorial Army, as there is no definition of the word in any legal enactment. This word "domicile" has many meanings as well as double meaning. Whatever definition is available, we find in Section 11 of the Indian Succession Act, and that runs as follows:

"11. Any person may acquire a domicile in British India by making and depositing in some office in British India appointed in this behalf by the Provincial Government, a declaration in writing under his hand of his desire to acquire such domicile; provided that he has been resident in British India for one year immediately preceding the time of his making such declaration."

This means that if any person who is domiciled in England, Germany or Russia and has been residing in India for the last one year will be able to acquire a domicile by making a declaration of his desire to acquire such domicile under the above Section of the Indian Succession Act, and after acquiring this he can join the Territorial Army. Therefore, I submit that if the words "citizen of India" are substituted for "domiciled in India", this would undoubtedly preclude any alien person from being enrolled in the Territorial Army. If the word "domiciled" is allowed to stand then every foreigner can enrol himself in this Territorial Army. In my opinion, it would be a great mistake to let such a thing happen. And if any foreigner is enabled to get himself enrolled in this Territorial Army, then it would not be improper to call the army a Territorial Army. You are aware that many persons have come over here from Pakistan. Some of them have come against the wishes of the Government and some with their consent. And if any of these persons acquires a domicile then he will have as much right to join this Territorial Army as any other person. So long as these words exist in this Clause, no power can stop their recruitment.

[Pandit Thakur Das Bhargava]

In fact "domiciled" implies that the person must be an Indian citizen. It may be argued that the words "Indian citizen" cannot be defined till the constitution is adopted. But this is not correct. No alien can be a citizen of India until he becomes a national of India by naturalization, and you know that the Naturalization Act is applicable to India. A person becomes the National of a country after naturalization, and so long as he is not naturalized, it would be wrong to call him "domiciled". How can a person acquire domicile when he has neither been naturalized nor declared a National? In fact the word "domicile" means that if a person migrates from one country to another with a desire to reside there, then after having resided there for sometime, he acquires a domicile of the latter country. But at present we have not got any such definition of the word "domicile" which may be clear. Every person can acquire domicile by virtue of the definition existing in Section 11 of the Indian Succession Act, but he cannot become an Indian citizen. Therefore, I will submit that in Clause 6 of this Bill, for the words "domiciled in India" the words "who is a citizen of India" be substituted.

Mr. Speaker: Amendment moved:

"That in clause 6 of the Bill, for the words 'domiciled in India', the words 'who is a citizen of India' be substituted."

The Honourable Sardar Baldev Singh: I find a little difficulty in accepting the amendment of my honourable friend. As he has himself pointed out the definition of "citizen of India" has not yet been made. The provisions that can be made against the enrolment of some of the people from outside in the Territorial Army rests with us. We can without including the words "citizen of India" in this Bill at present, on account of the difficulties I have pointed out, keep out any one from the Indian Territorial Army. There is no difficulty. I hope that in the next few months we will adopt our constitution and after that whatever is the definition of "citizen of India" that can be included in this Bill. In the meantime I can assure the honourable member that the fears that he entertains can be guarded against.

Pandit Thakur Das Bhargava: Such a rule will be inconsistent with the words and will not be in consonance with section 6.

The Honourable Sardar Baldev Singh: Not the rule, but the actual recruitment.

Pandit Thakur Das Bhargava: In view of the assurance given by the Honourable the Defence Minister I am withdrawing my amendment.

Mr. Speaker: The real difficulty is that the word "citizen" is not defined and "domicile" means something much more than mere residence. Anyway, he is withdrawing his amendment.

Has the honourable member leave of the House to withdraw?

The Amendment was, by leave of the Assembly, withdrawn.

Mr. Speaker: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

پندت تھاکر داس بھارگو : جناب والا ! اس دفعہ کے بارے میں میں صرف یہ عرض کروں گا کہ اس دفعہ نمبر ۷ کی دو سے ہر ایک آدمی پر یہ لازمی کر دیا گیا ہے کہ اس کو ملٹری سروس کے لئے ہندوستان سے باہر بھیجا جا سکتا ہے - میں اس کے خلاف

نہیں ہوں لیکن میں یہ عرض کرنا چاہتا ہوں کہ Objects and Reasons Statement سے یہ معلوم ہوتا ہے کہ یہ Territorial Force چار افراض کے لئے بدایا گیا ہے اور ان میں سے ایک غرض یہ ہے کہ اس Force کو ہندوستان کے Defence کے لئے رکھا جائے۔ اور یہ اس بل کے نام سے بھی صاف ظاہر ہوتا ہے۔

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Shri K. Santhanam (one of the Panel of Chairmen).]

نہایت ہی Exceptional موقعے پر سے آئینگے جب کہ کسی کو ملٹری سروس کے لئے ہندوستان سے باہر بھیجا جائیگا۔ کیونکہ اس فوج کی نوعیت Regular Force سے بالکل مختلف ہوگی۔ اس فوج اور Regular Forces کے کام اور نوعیت اور Nature میں بہت فرق ہے۔ اس لئے اس فوج کے بارے میں یہ امید رکھنی کہ اسکو باہر بھیجا جائے ٹھیک نہیں ہوگا۔ کوئی بھی آدمی اپنی مرضی سے اپنے ملک سے باہر نہیں جانا چاہتا ہے۔ تو یہ امید رکھنا کہ یہ اپنی مرضی سے باہر جائیں یہ درست نہیں ہوگا خصوصاً جبکہ اس کام کے لئے آپ کے پاس Regular Forces موجود ہیں۔ اس لئے اس بارے میں میں گورنمنٹ سے یہ گزارش کروں گا کہ وہ یہ جو حکم باہر کی سروس کے لئے دے اس کے متعلق وہ ایک جنرل حکم جاری نہ کرے بلکہ جب ضرورت ہو تو اس وقت تک خاص حکم اس بارے میں جاری کرے۔ ایسا بھی ہو سکتا ہے کہ اس Force Territorial کی ہندوستان کے اپنے بچاؤ کے لئے ضرورت ہو چکے کہ اس کا اصل مقصد ہے تو اس صورت میں اسکو باہر بھیجنا درست نہیں ہے۔ میں یہ بھی عرض کرنا چاہتا ہوں کہ میں اس Territorial Force کے باہر بھیجنے کا اصولاً خلاف نہیں ہوں لیکن جب بھی اس Force کو باہر بھیجا جائے تو اسات کا خیال رہا جائے کہ وہ کسی خاص ضرورت کے وقت بھیجے جائیں۔ اس Territorial کے افراد ایسے ہونگے جو obligatory social service کو پورا کرنے کے لئے اس میں شامل ہونگے وہ Regular Army کے تعلقہ اور اسکے لوازمات کے لئے شامل نہیں ہونگے اسلئے ایسے اشخاص کا اول فرض اپنے ملک کے بچاؤ کے لئے ہے گو ذمہ داری بشرط ضرورت باہر جانیکی بھی ہے۔

**Mr. Chairman:** The deletion of these words may mean that each individual man and officer will have to be given a special order.

پلڈت تھا کہ اس بھرو : جو کچھ ارشاد جناب والا نے فرمایا ہے میں اس کی نہایت ادب سے قدر کرتا ہوں اور جناب کا نہایت ہی مشکور ہوں کہ جناب نے اس امر کی طرف میری توجہ دلائی ہے۔

اگر اس قسم کا جنرل آرڈر نہ ہو اور ایک ڈیپٹل آرڈر ہو۔ تو وہ ہر ایک آدمی پر ایسے ہی لاگو ہوگا۔ جیسے کہ ایک یونٹ پر ہوگا۔ ہر ایک آدمی کے لئے الگ الگ آرڈر کرنے کی ضرورت نہیں ہے۔ اگر کوئی ایسی ضرورت پڑے آتی بھی ہو تو

[پلڈت ٹھاکر داس بھارگو]

ایک پونٹ کے لئے آرڈر کر دیا جائے۔ تو اس میں کوئی اعتراض نہیں ہوگا۔ میرے عرض کرنے کا مضامین یہ ہے اور میں یہ چاہتا ہوں کہ ایسا کرنے میں جو ایجنڈا لگا جائے اس سے مناسبتاً نہ کسی بھی اور اور سنٹرل گورنمنٹ کی بھی concurrence ہو۔ ایسے موقع پر جو سپاہی Force Territoria کے باہر جاویں وہ گورنمنٹ کے خاص حکم سے اور لیجسلیچر کی مشاہدہ دعا و برکات کے ساتھ باہر جاویں اور یہ متعسوس کریں کہ ان کے دیش کے منتخب شدہ نمائندے بھی گورنمنٹ کے باہر بھیجنے کے فعل کی تصدیق کرتے ہیں اب یہ کہا جائیگا کہ لیجسلیچر کی اجازت حاصل کرنیکا Emergency کے وقت موقع نہیں ہوتا تو اس کے لئے میں یہ عرض کروں گا کہ اس Territorial Force کے لئے ایسا موقع بہت دیر کے بعد آئیگا جب کہ اس کو باہر بھیجنا لازمی ہو جائیگا۔ اسلئے اس صورت میں جب بھی ان کو باہر بھیجنے کی ضرورت پڑے تو ہاؤس کی اجازت لی جاسکتی ہے۔ لیکن اگر کسی وقت ایسی ضرورت پڑے اور یہ ہاؤس نہ بیٹھا ہو تو اس صورت کے لئے اس میں ایسی ترمیم کی جائے جس سے کہ سنٹرل گورنمنٹ کو ایسا کرنے کا اختیار ہو۔ کہ وہ ہاؤس کی اجازت کے بغیر خاص صورتوں میں آدمیوں کو باہر بھیج سکے۔ اور بعد ازاں لیجسلیچر کی اجازت حاصل کر سکے۔

میں دراصل اس چیز کو چاہتا ہوں کہ Territorial Army میں داخل ہونے والے آدمیوں میں وہی آدمی ہوں جو کہ social obligation کو پورا کرکے سپورٹ سے اس میں داخل ہو رہے ہوں۔ اور وہ اس ملک کے پورے patriots ہوں۔ اور ان میں اپنے ملک کے بچاؤ کا جذبہ ہو۔ اگر اس معاملہ میں یہ convention قائم کیا جائے۔ تو جس وقت ایسے موقع آجائیں جب کہ کسی کو باہر بھیجنے کی ضرورت پڑے تو اس وقت باہر جانے میں ان لوگوں کی مرضی بھی گورنمنٹ کی مرضی کے ساتھ ہی شامل ہوگی۔ جسکا انکشاف لیجسلیچر کے ریزولوشن سے ہوگا۔

(English translation of the above speech.)

**Pandit Thakur Das Bhargava:** Sir, in regard to Clause 7 I would like to say this much only that it enjoins that every person shall be liable to perform military service beyond the limits of India. I am not against it. But it would be observed from the Statement of Objects and Reasons that this Territorial Force has been raised to serve a fourfold purpose and one of this is that this Force will be maintained for the internal defence of India; and this fact is also quite obvious from the title of this Bill.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Shri K. Santhanam (one of the Panel of Chairmen).]

There would be few exceptional cases when a person will be sent out for military service out of India, because the constitution of this Force would be on quite a different footing from the Regular Forces. There is a tremendous difference between the duties and nature of this Force vis-a-vis the Regular Forces. Therefore it would not be in the fitness of things to expect this Force to go out of India. No body likes to go beyond the limits of his country

Shri K. Santhanam (one of the Panel of Chairmen).]

Against his wishes and it would not be proper to expect him to do so, especially in view of the fact that you have got Regular Forces for this purpose. Therefore, I would request the Government that they should not issue any general orders for service abroad, but issue a special order in this connection as and when an emergency arises. It may be possible that this Territorial Force may be required for the defence of the country which is its real object. Then in that case, it would not be correct to send this Force abroad. I would also like to say that I do not oppose in principle the despatch of this Force abroad, but whenever this Force is sent abroad, it should be borne in mind that this course is taken only in an emergency. This Territorial Army will consist of those persons who will get enrolled for the purpose of fulfilling the obligations of social service. They will not join this for the sake of the pay and other amenities which are provided for the Regular Army. Therefore, the primary duty of such persons is to defend their country, although they shall be liable to perform service abroad in the event of an emergency.

**Mr. Chairman:** The deletion of these words may mean that each individual man and officer will have to be given a special order.

**Pandit Thakur Das Bhargava:** Sir, with all due respect, I bow to what you have said and am very much obliged to you that you have drawn my attention to this fact. If there is no such general order and there is a special order, then it will be applicable to each individual in the same way as it will apply to a unit. There is no need for the issue of a separate order for each individual. If any such contingency arises, then the orders should be issued for a unit and there will be no objection. My submission is that I would like that the action in this respect should have the concurrence both of the legislature of the country and the Central Government. The soldiers who are detailed for service abroad on such occasions will go out under special orders of the Government and with the blessings and permission of the Central Legislature. They would realize that the elected representatives of their country also support the action of the Government in sending them abroad. It may be said that there is no time to obtain permission of the Legislature in the event of an emergency. I would submit that so far as this Territorial Force is concerned, such an event will occur after a long time when it would be considered necessary to send them abroad. Therefore, whenever any such contingency arises, then the permission of this House can be obtained. But if at any time such an emergency arises and the House is not sitting, then some amendment should be incorporated in this clause which may seek to authorize the Central Government to take necessary action in such an event, so that it may be enabled to send persons out of India without the permission of the House in certain conditions, and later on take formal permission of the Legislature.

As a matter of fact, I want that the Territorial Army should consist of those persons only who enlist themselves with the spirit of discharging the social obligations and they are true patriots and have strong feelings for its defence. If this convention is established, then in the event of such an emergency when it may be found necessary to send persons abroad, their willingness would be implied in the consent of the Government which would be made clear by a Resolution of the Legislature.

**Mr. B. K. Sidhva:** The clause says that no officer or enrolled person shall be required to perform military service beyond the limits of India except under an order. Now a territorial army is meant principally for local service, for defending our own country. But supposing while defending our country there is trouble on our borders with Pakistan. I want to know from the Honourable the Minister whether this Territorial Army will not be allowed to go into Pakistan area to defend our country. If that is so then I do not think that the object of this Bill will be achieved.

[Mr. R. K. Sidhva]

Any country beyond India is foreign territory. In this sense Pakistan is also a foreign country. That is why I want to have the position made clear. My personal views are that our relations with Pakistan and all countries in the world should remain cordial. That is also the aim of the Government of India. But when we are passing a law, perchance something may happen between India and Pakistan, in that event will our Territorial Army be permitted to go into Pakistan?

**Shri M. Ananthasayanam Ayyangar** (Madras: General): It can go not only to Pakistan but also to Arabia.

**Mr. E. K. Sidhva**: In that case it is all right. But the view expressed by Pandit Thakur Das Bhargava is different.

**The Honourable Sardar Baldev Singh**: The Territorial Army can go anywhere but it has to have special permission. That is why it is included.

With regard to the objection raised by my friend, Mr. Bhargava, the fact is that we must have the sanction of this House. When this House is in session, then of course the House has the right to discuss it. But this House may not meet for months. It is to avoid that difficulty that we have taken this power. But still it is open to the House to discuss it when it meets. So I do not think there is any real difficulty if this is allowed to stand. I think it is a perfectly simple affair. There is no desire to exclude the House from this matter.

**Shri M. Ananthasayanam Ayyangar**: Does the Honourable Minister mean to say that when the House is in session he will report to the House before taking action and when the House is not in session he will report the action already taken by Government?

**The Honourable Sardar Baldev Singh**: I might make that point also clear. Sometimes it would be difficult for us to refer such matters to the House but what I say is that it is always open to the House to discuss any matter that they like. When the House is in session every member of the House is taken into confidence but the difficulty will arise when the House is not in session. When a decision of this nature is taken, when the House meets next it will be open to the House to raise the question.....

**Mr. Chairman**: Military matters will have to be kept secret and I do not think it is right to ask for any kind of an undertaking.

**Shri Krishna Chandra Sharma** (U.P.: General): Under Section 10(a) of the old Indian Territorial Force Act 1920 it is provided that: "No officer or enrolled person shall be required to perform military service beyond the limits of India save under a general or special order of the Central Government". If it could be done under the old Act, there is no reason why under the new Bill it could not be done.

**Mr. Chairman**: The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

**Mr. Naziruddin Ahmad**: Sir, I beg to move:

"That in the Proviso to clause 3 of the Bill, for the word 'service', wherever it occurs, the words 'operations or special duty' be substituted."

This is an amendment of substance. It seems to me that the proviso does

away with the effect of the main clause. The main clause says:

"Every person enrolled under this Act shall be entitled to receive his discharge from the Territorial Army on the expiration of the period for which he was enrolled."

That means in effect that he will be discharged as soon as his service terminates or the period for which he had agreed to serve ends. The proviso says:

"No enrolled person who is for the time being engaged in military service under the provisions of this Act, shall be entitled to receive his discharge before the termination of such service."

While the main part of the clause says that as soon as a man's period of engagement is over he will be entitled to be discharged, the proviso says that until his 'service' terminates he is not entitled to be discharged. I thought that the period of service in the proviso means military operations or special duty.....

**Mr. Chairman:** The expression in the first part is not 'period of service'.

**Mr. Naziruddin Ahmad:** The period for which he is enrolled means the period of service which has expired. There seems to be something like inconsistency. I am trying to interpret the 'period for which a man is engaged' as period for which he has agreed to serve. When the period of service ends he is entitled to be discharged. It is on account of this apparent clash between the two that I have been induced to submit this amendment. If there is any military operation, whether his period ends or not or he is on special duty, whether his period of enrolment expires or not, he cannot be entitled to be discharged, I have suggested this amendment for a discussion and for an explanation by the Honourable the Defence Minister.

**Pandit Thakur Das Bhargava:** As the present section stands it is absolutely clear. A man who is enrolled for a particular period is discharged on the expiry of the period but when he is engaged in military service even if the period expires, he will be only discharged after the particular engagement is over. If the words which my honourable friend wants to substitute are accepted then it will give rise to difficulties. There may be many operations in one engagement. A person may be engaged on duty and at the same time the words 'special duty' will not cover exigencies of the situation, because there may be one special duty and the engagement may not be finished by the time the special duty is over. The words as they are, are more comprehensive and serve the purpose better and if my honourable friend's amendment is accepted it may involve us in difficulties.

**The Honourable Sardar Baldev Singh:** Sir, I have nothing more to add to what my friend Pandit Bhargava has said. Military service is a well understood expression. There is no doubt about it. If the amendment of my honourable friend is accepted it would create more confusion and nullify the effect of this clause.

**Mr. Naziruddin Ahmad:** In that case I do not press the amendment.

**Mr. R. K. Sidhva:** I want to know from the Honourable Minister as to what will be the period of service for the Territorial Army?

**Mr. Chairman:** That will be provided by the rules.

**Mr. R. K. Sidhva:** Still I want to have some idea, in the interest of security of service because it will induce people to enrol themselves in larger numbers if some period is known.

**The Honourable Sardar Baldev Singh:** If the honourable member wants to have detailed information it is given in the existing rules. The new rules will be more or less on the same lines.

**Shri M. Ananthasayanam Ayyangar:** The present Act says six years as the outer limit and it is open to the Government to enter into arrangements for any shorter period, say 3 or 4 years.

**Mr. B. K. Saha:** In the first year they will be enrolled for six years.....

**The Honourable Sardar Baldev Singh:** The intention is to proceed more or less on the same basis as the existing rules. If a change is necessary we can incorporate it. We have not fixed any period yet.-

**Shri Mahavir Tyagi:** Sir, I beg to move:

"That in the Proviso to clause 8 of the Bill, the following be added at the end: 'or within six months after the date of expiry of the period for which he had offered to be enrolled or whichever is less.'"

I submit that even in the British Territorial and Reserve Forces Act it is provided:

"Where the time at which a man of the Territorial Force would otherwise be entitled to be discharged occurs while a proclamation ordering the Army Reserve to be called out on permanent service is in force, he may be required to prolong his service for such further period, not exceeding twelve months, as the competent military authority may order."

This is meant for the Reservists. If their term of service expires while they are on military or active service they will not be discharged and they may be required to prolong their service for such further period, not exceeding 12 months, as the competent military authority may order. Now, if the war lasts for ten years? Persons who offer themselves to be enrolled in your territorial force are not going to be on front like the regular army people. If you are to rope in people for the regular army in that manner, the territorial army will never be popular. If you want it to be a real Territorial Army in the sense in which it is understood you have to keep a proviso that these people will be required to serve only for such period as they have offered themselves for voluntarily. If that period expires while they are on military service, of course all of them cannot be discharged, that would weaken the front. For that purpose you must keep a certain definite proviso, so that you can extend by the force of this law their service for a few months, say 6 or 10 months. If you pass this Bill as it is, and if a war lasts for 10 or 12 years, these persons will be stranded on the fronts for years together. That would be very bad as far as the spirit of the territorial force is concerned. It may be that this too could be formulated by the rule-making authority but if you pass this clause as it is the House is committed to it and the hands of the rule-making authority will be tied. No officer can then discharge the man.

4 P.M. Sir, this is a very important clause and I hope the Honourable the Defence Minister will give due consideration to this point.

**The Honourable Sardar Baldev Singh:** I have got this amendment carefully examined. But my difficulty is that in case of active service it will create lot of difficulties. My mind is not quite clear on this, but all the information that I have been able to get on this particular amendment goes to show that in case of active service it will create lot of difficulties and embarrassment for us. That is why I find it difficult to accept the amendment.

**Shri Mahavir Tyagi:** Why does the difficulty not arise in the British Army where they have got this Proviso?

**Sari Krishna Chandra Sharma:** May I say something?

**Mr. Chairman:** I am afraid the Honourable Minister has already given his reply. I want to know whether the mover wants the amendment put.

**Shri Mahavir Tyagi:** Without this change it will become a regular army.

**Mr. Chairman:** That is a matter between the Minister and the honourable member. Does he want his amendment put?

**Shri Mahavir Tyagi:** It is a very important matter. Let the amendment be put to the House.

**Mr. Chairman:** The question is:

"That in the proviso to clause 8 of the Bill, the following be added at the end: 'or within six months after the date of expiry of the period for which he had offered to be enrolled or whichever is less.'"

The motion was negatived.

**Mr. Chairman:** The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9 was added to the Bill.

**Pandit Thakur Das Bhargava:** Sir, I beg to move:

"That for clause 10 of the Bill, the following be substituted:

"10. Whoever contravenes any of the provisions of this Act or the rules made thereunder shall be punished with fine which may extend to one hundred rupees to be recovered in such manner and by such authority as may be prescribed."

اگر آپ دفعہ ۱۰ کو ملاحظہ فرمائیں تو روشن ہوگا کہ یہ ایسی باتوں سے بہرا ہوا ہے جو کسی معمولی شخص کی سمجھ میں نہیں آسکتیں۔ یہ دفعہ پرانے Territorial Force Act کی ایک دفعہ کی ہو بہو نقل ہے۔ یہ نہیں سوچا گیا کہ اُس زمانے میں اُس کی ضرورت تھی۔ لیکن اب صورت تبدیل ہو گئی ہے اور اُس دفعہ کی بالکل ضرورت نہیں ہے۔

اول تر میں یہ عرض کرنا چاہتا ہوں کہ اس دفعہ میں آفیسرس (Officers) کا ذکر نہیں ہے۔ اس دفعہ میں ایک enrolled person کو سزا ہو سکتی ہے۔ لیکن اگر کوئی افسر اس Act کی یا اس کے ماتحت بلے ہوئے rules کی خلاف ورزی کر کے جرم کرتا ہے تو اس افسر کی کوئی ذمہ داری نہیں ہے۔ لیکن میں جو Amendment پیش کر رہا ہوں اُس میں یہ پراویزن (provision) رکھا گیا ہے کہ enrolled person اور افسر میں کوئی تمیز نہ ہو۔ موجودہ بل کی دفعہ ۱۰ میں افسر بصورت جرم بھی باز پرس نہیں ہو سکتے۔

دوسری بات جو کہ قانوناً بالکل ناقابل برداشت ہے وہ یہ کہ اگر کوئی دفعہ (۱) ۹ (۲) کی رو سے جرم کرتا ہے تو اُس کو Army Act میں سزا دی جا سکتی ہے۔ لیکن اُس میں آگے یہ رکھا گیا ہے۔

"In addition to, or in substitution for, any punishment or punishments to which he may be liable under the Indian Army Act . . . . ."

"In addition" کے معنی یہ ہوئے کہ ایک جرم کے لئے ایک مرتبہ

تو Army Act میں سزا ملنی چاہئے اور دفعہ ۱۰ کی رو سے سو روپے جرمانہ بھی

ہو سکتا ہے۔

**Mr. Chairman:** Is it the intention of the honourable member that when a member of the Territorial Army is in active service he should not be liable to the penalties of the Indian Army Act? That will be the net result of this amendment I want to know whether that is the intention of the honourable member.

پلڈت تھا کہ داس بہارگو - میں ادب سے عرض کروں گا کہ میرا منشا یہ ہے جہاں تک دفعہ (۲) ۹ کا سوال ہے جو Army Act کے Offence ہونگے ان کے واسطے اس دفعہ میں سزا ہو سکتی ہے Army Act کو applicable کرنے کا منشا یہ ہے کہ وہ اشخاص جو آرمی ایکٹ (Army Act) میں آتے ہیں ان کے لئے دفعہ (۲) ۹ applicable ہو گا۔ دفعہ ۱۰ کی رو سے enrolled person کو آرمی ایکٹ (Army Act) میں بھی سزا ہو سکتی ہے اور اس دفعہ میں بھی سزا ہو سکتی ہے جو کہ قانون کے منشا کے برخلاف ہے - ایک شخص کو ایک جرم کے لئے ایک ہی جگہ سزا ہو سکتی ہے۔ اور اگر Substitution ہو تو جو Army Act میں جرم ہیں وہ بہت سنگین جرم بھی ہیں جیسے mutiny وغیرہ -

**Mr. Chairman:** My suggestion was only whether something like "except when he is liable under section 9(2)" or something like that must be put in to make it clear.

پلڈت تھا کہ داس بہارگو : جناب والا نے جو اعتراض فرمایا ہے میرا Amendment بالکل اسی فرض کو پورا کرتا ہے - جہاں تک Army Act کے جرائم کا سوال ہے ان کا ذکر اس میں کرنے کی ضرورت نہیں ہے - جہاں تک اس Act کا یا اسکے rules کا سوال ہے ان کے ماتحت افسر ہو یا enrolled person ان کو سزا دی جا سکتی ہے - اس Act کے جرم بہت سنگین نہیں ہونگے - لیکن Army Act میں mutiny بھی شامل ہے - اگر کوئی mutiny کرے اور دفعہ ۱۰ میں اس کی سزا کا substitution کیا جائے تو اس پر صرف ۱۰ روپے جرمانہ کر کے چھوڑا جا سکتا ہے - جہاں تک اس ایکٹ کے جرائم کا سوال ہے

"any enrolled person may be punished either by a criminal court or summarily or by order of the prescribed authority."

لیکن اس میں ایک proviso کر دیا گیا ہے کہ ماژم کو حق ہوگا کہ وہ authority prescribed سے summary trial کے واسطے انکار کر سکتا ہے اور کہ سزا ہے کہ مجھے تو Criminal court ہی چاہئے - ایسی صورت میں court کا انتظام کرنا ہوگا - تو یہ چیز ماژم کی مقہی میں ہے کہ وہ court کے ذریعہ فیصلہ چاہتا ہے یا authority prescribed کے ذریعہ - میں عرض کروں گا کہ اس طرح کے قانون کی ضرورت نہیں ہے - Criminal court بھی summary trial کر سکتی ہے جب کہ جرم سنگین نہیں ہے - تو Criminal court ہر ایک صورت میں لڑی ہوتی ہے - میں نے جو ترمیم دکھی وہ ان لوگوں کے واسطے ہے جو Army Act گورن سے (govern) نہیں ہوتے ہیں - اور میں سمجھتا ہوں یہ ترمیم منظور ہو جائے گی - میں عرض کروں گا کہ اگر آنریبل ممبر

صاحب پسند کریں تو اس پر فور فرما لیں کہ یہ اُن کے purpose کو serve کرتی ہے یا نہیں۔

(English translation of the above speech.)

**Pandit Thakur Das Bhargava:** Sir, I beg to move:

"That for clause 10 of the Bill, the following be substituted:

"10. Whoever contravenes any of the provisions of this Act, or the rules made thereunder shall be punished with fine which may extend to one hundred rupees to be recovered in such manner and by such authority as may be prescribed."

If you read Clause 10, you will find that it contains some provisions which are beyond the comprehension of the common man. This Clause is an exact copy of a Section of the old Territorial Force Act. It was required in those days but now conditions have changed and there is no need for this Clause at all. This fact has been ignored. First of all, I would like to say that this Clause does not make any mention about officers. It provides for punishment for an enrolled person. But if any officer commits an offence in contravention of any of the provisions of this Act or the rules made thereunder, he is immune. But the amendment which I am moving has provision to the effect that there should not be any discrimination between an officer and enrolled person. According to Clause 10 of the present Bill nobody can question or bring to book an officer even though he may be found guilty. Another point the legal aspect of which is not understood is that if anybody commits an offence which falls within the purview of sub-clause 9 (1) or 9 (2), he is punishable under the Indian Army Act. It has been further laid down:

"In addition to, or in substitution for, any punishment or punishments to which he may be liable under the Indian Army Act....."

Thus the words "in addition" imply that a person can be punished twice *viz.*, firstly under the Indian Army Act and secondly under clause (10) a fine extending to one hundred rupees may also be imposed.

**Mr. Chairman:** Is it the intention of the honourable member that when a member of the Territorial Army is in active service he should not be liable to the penalties of the Indian Army Act? That will be the net result of this amendment. I want to know whether that is the intention of the honourable member.

**Pandit Thakur Das Bhargava:** With due respects, I would submit that my intention is that so far as Clause 9 (2) is concerned, the offences which come within the ambit of Indian Army Act can be dealt with under the provisions of this Clause. The object of making applicable the Army Act is that Clause 9 (2) will be applicable to those persons who are governed by this Act. In accordance with the provisions of Clause (10), an enrolled person can also be punished under the Army Act, as well as under the former Clause which is contrary to the intention of the law. A person can be punished for one offence only at a time. And if substitution is to be made, then most of the offences which are contained in the Army Act are very heinous offences such as mutiny etc.

**Mr. Chairman:** My suggestion was only whether something like "except when he is liable under section 9 (2)" or something like that must be put in to make it clear.

**Pandit Thakur Das Bhargava:** Sir, my amendment exactly meets the objection raised by you inasmuch as the offences referred to in the Army Act are concerned, there is no need for incorporating these in this Clause. And so far as the provisions of this Act or any rules made thereunder are concerned, an officer or enrolled person can be punished under it. The offences under this Act will not be very serious. But the Army Act covers 'Mutiny' also. If any person takes part in a mutiny and his punishment is substituted under the provisions of Clause 10, then he can be let off after the recovery of fine amounting to Rs. 100.

[Pandit Thakur Das Bhargava]

So far as the offences covered by this Act are concerned "any enrolled person may be punished either by a criminal court or summarily by order of the prescribed authority". But a proviso has been made here that an accused will have the right to object to a summary trial being held by the prescribed authority, and he can claim that he should be tried by a Criminal Court. In such a contingency, arrangement for a Court shall have to be made. Thus it would rest with the accused to decide whether he wants to be tried by a Court or the prescribed authority. I would submit that there is no need for such a law. When the offence involved is not heinous; then the Criminal Court can also hold a summary trial. Thus the necessity of a Criminal Court is quite obvious in every case. The amendment which I have moved relates to those persons only who are not governed by the Army Act and I hope this would be accepted. I would request that if the Honourable Minister approves of this, he may kindly consider whether or not it serves his purpose.

**Mr. Chairman:** Amendment moved:

"That for clause 10 of the Bill, the following be substituted:

"10. Whoever contravenes any of the provisions of this Act or the rules made thereunder shall be punished with fine which may extend to one hundred rupees to be recovered in such manner and by such authority as may be prescribed."

**Shri Krishna Chandra Sharma:** The clause is rather unhappily worded. In Section 11A of the old Act there was summary trial and punishment. Those very words have been taken and put in here. From the heading it appears that if the offence is a serious one it would be punished under clause 9 but if the offence is not so very serious it may be punished under clause 10—equivalent to Section 11A of the old Act. "In addition to" means in addition to the procedure laid down in clause 9, and not in addition to the punishment.

**Pandit Thakur Das Bhargava:** In addition to the punishment.

**Shri Krishna Chandra Sharma:** Reading the clause as a whole it comes to in addition to the procedure laid down in clause 9 the second procedure may be adopted in the manner laid down in this clause.

**Mr. Chairman:** I think there is no difference even then because that procedure may also result in punishment. Therefore the addition to procedure is equal to an addition to the punishment.

**Shri Krishna Chandra Sharma:** In criminal trial a person cannot be punished twice for one offence. It is impossible to punish a man twice. The question of punishment for a second time does not arise. What it means is that if the offence is a comparatively serious one it should be tried in accordance with clause 9 and if it is a comparatively minor one it may be tried under clause 10 and only punishment of fine may be given.

**Pandit Thakur Das Bhargava:** The Defence Minister might say "God save me from my friends". You are only supporting my amendment.

**Mr. Nasiruddin Ahmad:** Sir, I rise to support the amendment. The honourable member who has just spoken has not carefully attended to the wording. Clause 10 says:

"In addition to, or in substitution for, any punishment or punishments to which he may be liable under the Indian Army Act, 1911....."

So if he is punished under clause 9, he may again be punished under clause 10, although it is right that a man should not ordinarily be punished twice for the same act, because of a section in the Criminal Procedure Code that you cannot be punished twice. But here if you specifically provide for double punishments for the same act there is no reason why he could not be punished

twice. So, as the honourable member has pointed out, this clause has been unhappily phrased. One part of the unhappy phrasing is this:

".....any enrolled person may be punished either by a criminal Court or summarily by order of the prescribed authority for any offence....."

There is here no mention of any trial. It says that if an enrolled person commits any offence under this Act he can be summarily punished. A criminal Court may say: "Section 10 does not speak of any 'trial' but of summary punishment. I will therefore punish you without trial." Although the marginal note says, "*Summary trial and punishment*", there is no mention of the word "trial" within the section. But that is the subject matter of another amendment which I have tabled, but if Pandit Bhargava's amendment is accepted my amendment would not be required. I submit, therefore, that the amendment which is now under consideration is a simple amendment and it avoids duplication of punishment and is easier to understand. I therefore support it.

**The Honourable Sardar Baldev Singh:** Sir, I have already explained my difficulty in accepting this amendment. As has been pointed out, there is no intention to punish him twice.

**Mr. Naziruddin Ahmad:** But there is specific provision for double punishment.

**Pandit Thakur Das Bhargava:** The way to hell is paved with good intentions!

**Shri M. Ananthasayanam Ayyangar:** It is not mere good intentions. This is exactly a copy of the existing provisions of Section 11A of the Army Act. What this section says is: "in addition to any punishment to which he may be liable under the Indian Army Act". It is not as if he is liable to punishment twice. It is not as if you can award him imprisonment for one month and in addition impose a fine. The Court is given power in addition to the punishment to impose a fine Rs. 100 more. If the man is prescribed to undergo a summary trial in addition to the punishment liable under the Act, he is punishable but not "punished". The Court can give that punishment or a fine may be imposed. But he is not actually punished twice. I do not think there is any difference and there is no need for this amendment.

**Mr. Chairman:** Does the honourable member persist in his amendment?

**Pandit Thakur Das Bhargava:** With your permission I beg leave to withdraw my amendment.

**Mr. Chairman:** Has the honourable member leave of the House to withdraw his amendment?

The amendment was, by leave of the Assembly, withdrawn.

**Mr. Naziruddin Ahmad:** Sir, I beg to move:

"That in clause 10 of the Bill, for the words 'may be punished', the words 'may be tried and punished' be substituted."

This is the very point which I was submitting. Under section 10 a Court will say, "You are now charged with this offence. I do not wish to try you but I want to punish you".

**Mr. Chairman:** The honourable member has not caught the explanation of the previous member. The word 'punishable' does not mean "tried and punished".

**Shri M. Ananthasayanam Ayyangar:** You are doing the very thing which you wanted to avoid!

**Mr. Naziruddin Ahmad:** If it is made "punishable" I have no objection but the question of "trial" is my main point.

**Mr. Chairman:** But you cannot make it "triable and punishable".

**Mr. Naziruddin Ahmad:** No, "tried and punished". It would be all right if we say merely "tried", because trial includes punishment in case he is found guilty. If you merely say that he may be "tried", then the punishment follows as a matter of course. So the word "punished" is not necessary and I am not particularly anxious about that word.

**Mr. Chairman:** The honourable member has made his point clear. I would request honourable members to enable me to finish this Bill and probably take up the other Bills.

The question is:

"That in clause 10 of the Bill, for the words 'may be punished', the words 'may be tried and punished' be substituted."

The motion was negatived.

**Mr. Chairman:** The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clauses 11, 12 and 13 were added to the Bill.

**Shri Mahavir Tyagi:** I beg to move:

"That in part (c) of sub-clause (2) of clause 14 of the Bill, after the word 'prescribe', the words 'the period and the course of' be inserted."

Sir, there is not much to be said on this, it is a very simple amendment. This clause authorises the Government to prescribe the rules. Some items are given with regard to which particular attention is invited of the Government to frame rules for these items. The addition of these words does not at all change the body of the Bill.

**Mr. Chairman:** Has the honourable member observed the words in sub-clause (a) also. It says:

"(a) prescribe the manner in which, the period for which and the conditions subject to which any person may be enrolled under this Act;"

If his amendment is something different he may move it.

**Shri Mahavir Tyagi:** That is all right. Sub-clause (a) gives the period for which they are enrolled. But sub-clause (c) relates to the period and course of military training. My submission is that instead of prescribing only "military training", they may as well prescribe the period for which every year a man will be called for training, and also prescribe the course of training. They have only said:

"(c) prescribe preliminary and periodical military training, compulsory and voluntary, for any enrolled person and provide for the embodiment of any unit for that purpose."

That is all right, but I wanted to add that after the word "prescribed" they might add the "prescribed period and course" of training. You have to prescribe the course for a man who enrolls; he must know the course and the period for which he is under training.

**Mr. Chairman:** What does the Honourable Minister say?

**The Honourable Sardar Baldev Singh:** As has been pointed out this is already covered.

**Shri M. Ananthasayanam Ayyangar:** I want to know on a point of information whether "periodical" does not include the word "period". It is the adjective of the word "period". Training means, there is a course of training and periodical training means or implies a "period". So there is both the time factor and the syllabus. I do not know what else is wanted. The amendment seems to be unnecessary.

**Mr. Chairman:** Does the honourable member want to proceed with his amendment?

**Shri Mahavir Tyagi:** No, Sir.

**Mr. Chairman:** So the honourable member does not insist. Yes, Mr. Naziruddin Ahmad may move his amendments.

**Mr. Naziruddin Ahmad:** Sir, I beg to move:

"That in part (e) of sub-clause (2) of clause 14 of the Bill, for the words 'by whom', the words 'by which' be substituted."

The text says: "prescribe the authority by whom the conditions . . . . ." etc. Speaking of any "authority" we do not say "whom". If we speak of a "Court", we say "which".

**Mr. Chairman:** The authorities are not generally neutral gender. I think "by whom" is all right.

**Mr. Naziruddin Ahmad:** If it is "Court", we say "which". If it is "Judge", we may say "whom." On this analogy, it should be "by which".

**Mr. Chairman:** Does the Honourable Minister accept?

**The Honourable Sardar Baldev Singh:** I have no objection.

**Mr. Chairman:** The question is:

"That in part (e) of sub-clause (2) of clause 14 of the Bill, for the words 'by whom', the words 'by which' be substituted."

The motion was adopted.

**Mr. Naziruddin Ahmad:** Sir, I beg to move:

"That in part (f) of sub-clause (2) of clause 14 of the Bill, for the words 'by whom' the words 'by which' be substituted."

This is the same as the previous one. I hope it will be accepted.

**Mr. Chairman:** The question is:

"That in part (f) of sub-clause (2) of clause 14 of the Bill, for the words 'by whom' the words 'by which' be substituted."

The motion was adopted.

**Shri Mahavir Tyagi:** Sir, I have also an amendment, No. 87. I do not want to move the whole of it, but only (h). I move:

"That after part (g) of sub-clause (2) of clause 14 of the Bill, the following new part (h) be inserted and the existing part (h) be relettered accordingly:

(h) prescribe the manner and rate of the payment of separation and other allowances to the families of men of the Territorial Force when embodied or called out on actual military service;"

Sir, I have borrowed this clause from the Territorial Force Act of the British Parliament. They were also equally wise there. They have also raised a Territorial Force. They have also had a sense of patriotism. Their people also volunteered themselves. They felt the need for having such a thing. If you go on basing your hopes on the air, it is a different thing. Otherwise, you should have some such thing to ensure their security to the people who come forward to enrol in your Army. If not, you will not have the Army. Do not be guided by the spirit of gentlemen members here. They merely offer best wishes, but the people who will enrol will look into the provisions, clauses and sections of this Bill. I submit this is a useful clause. It would give security to those persons who leave their families and enrol. Suppose a man alone is

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the earning member of the family. He should at least get some separation allowance or something like that to be sent to his people when he is fighting in your Army. Even in jail when these gentlemen on this side and the other were arrested, their families were given some sumptuary allowance or something of the kind. Therefore, I suggest this may be considered.

**Mr. Chairman:** Amendment moved:

"That after part (g) of sub-clause (2) of clause 14 of the Bill, the following new part (h) be inserted and the existing part (h) be relettered accordingly:

'(h) prescribe the manner and rate of the payment of separation and other allowances to the families of men of the Territorial Force when embodied or called out on actual military service;'"

**The Honourable Sardar Baldev Singh:** I find it difficult to accept the honourable member's amendment.

**Mr. Chairman:** Shall I put the amendment?

**Shri Mahavir Tyagi:** If he does not accept, I am helpless.

**Shri M. Ananthasayanam Ayyangar:** But I would like to know why the Honourable Minister is not able to accept (h). Something must be given to them. What is the objection to have rules prescribing this?

**The Honourable Sardar Baldev Singh:** That is what I was going to say. It can be dealt with under the rules.

**Shri Mahavir Tyagi:** Then, he is accepting it, Sir.

**Mr. Chairman:** Does the Honourable Minister accept the amendment?

**The Honourable Sardar Baldev Singh:** No, Sir. I am not accepting.

**Shri Mahavir Tyagi:** Sir, I beg leave to withdraw the amendment.

**Mr. Chairman:** Has the honourable member leave of the house to withdraw?

The amendment was, by leave of the Assembly, withdrawn.

**Mr. Chairman:** The question is:

"That clause 14, as amended, stand part of the Bill."

The motion was adopted.

Clause 14, as amended, was added to the Bill.

Clause 15 was added to the Bill.

**Mr. Naziruddin Ahmad:** Sir, I beg to move:

"That in sub-clause (2) of clause 1 of the Bill, for the words 'wherever they may be', the words 'wherever for the time being they may be stationed or operating' be substituted."

The expression in the text seems to be a little incomplete. By adding the words "for the time being" and "stationed or operating" I would like to make it complete.

**The Honourable Sardar Baldev Singh:** I do not accept.

**Mr. Naziruddin Ahmad:** I do not press.

**Mr. Chairman:** The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

**Mr. Naziruddin Ahmad:** Sir, I shall move amendments Nos. 3 and 4 together. I move:

(i) "That in the Long Title of the Bill, the words 'for India' be omitted."

(ii) "That in the Preamble to the Bill, the words 'for India' be omitted."

**The Honourable Sardar Baldev Singh:** I have no objection to that.

**Mr. Chairman:** The question is:

- (i) "That in the Long Title of the Bill, the words 'for India' be omitted."  
 (ii) "That in the Preamble to the Bill, the words 'for India' be omitted."

The motion was adopted.

**Mr. Chairman:** The question is:

"That the Long Title and the Preamble, as amended, stand part of the Bill."  
 The motion was adopted.

The Long Title and the Preamble, as amended, were added to the Bill.

**The Honourable Sardar Baldev Singh:** Sir, I move:

"That the Bill, as amended, be passed."

**Mr. Chairman:** Motion moved:

"That the Bill, as amended, be passed."

**Mr. B. K. Sidhva:** Mr. Chairman, the very fact that this Bill has taken a very short time in passing so many clauses of such a Bill of an important nature goes to prove that the House is almost in agreement with the principle of this Bill and they welcome such a measure at this stage. Now that the Bill has been passed into law, I am quite sanguine that our nationals will pour in large numbers to enrol themselves into this Territorial Army. I have no doubt about them, because the morale and the spirit of our countrymen is very high to defend their country. It has been suggested, Sir, that the number of this Army should have been larger than 1,80,000. As the Honourable Minister has stated there is no prevention for expansion later on. At the same time, I do feel that we do not want number, we want "quality" and I, therefore expect from the Defence Ministry that when the applications are received, they will thoroughly scrutinize them, before accepting them. My reasons are that we have all sorts of people in this country who in their outward look would identify themselves as patriots, but they may be doubtful. We have internal trouble and we do not want, therefore, to lay great stress on the number. I am, therefore, Sir, emphasising this point to the Ministry that they should be very careful in scrutinizing each and every application. There will be no dearth of men to enrol in this Army. I will give you an example, Sir, as to how the morale and spirit of our Army is very high. Only last April, some of us—Pandit Thakur Das Bhargava, Mr. Kamath and some of our Assembly friends went to a Hospital in Delhi, where the Kashmir wounded people, nearly 1,500, were lying as indoor patients. Some had their legs amputated; some had their arms broken; some had their eyes extracted. With all that, Sir.....

**The Honourable Sardar Baldev Singh:** May I, Sir, point out to the honourable member not to give these details on the floor of the House?

**Mr. Chairman:** May I also appeal to honourable members that they would be doing a service if they enable me to get through the other Bill also?

**Mr. B. K. Sidhva:** What I was saying, Sir, is this. While we were going through the hospital, talking with the patients there, we saw their spirit was high. They themselves volunteered and said: "After we are released from this hospital, we shall go back to the Front in Kashmir to fight". They on the contrary complained that the Government would not allow them to rush into the territory of Pakistan. They said: "If they allowed us, we would smash the raiders within a very short period". Sir, it was a high compliment to the Army that have been enrolled even today. Notwithstanding the serious difficulties under which they have been fighting, they are even ready again to go to the Front for the defence of our country. I only wanted, therefore, to prove that as far as our Army's morale and spirit is concerned, there is no question. The only question is that of discipline and I only like to see that discipline is maintained. I have no doubt of any lack of discipline, but I have heard from

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some high-ranking Army officers that there is some lack of discipline and I hope that in the new Territorial Army to be formed discipline will be strictly maintained and it will not be argued that we are under democratic rule and therefore there should be lesser efficiency in military matters. No army can run efficiently without discipline. I attach great importance to that and I am quite sanguine that the new Territorial Army will be full of discipline.

As far as the rules are concerned, we have passed them. It was said that the rules should be brought before this House. I yield to none in my desire always to see that as far as possible all the measures and all the provisions of bills should be brought before this House. But in this particular Bill, I do not see what objection there could be for the provision of some of the rules. In regard to clause 14 (2) (a), I expected the Honourable Minister should have brought it before the House and I made a mention of the period for which any person may be enrolled under this Act, but when I put a question, it seems he himself is not quite clear in his mind and therefore he has left it. Sub-clauses (b), (c) and (d) relate to periodical military training and certainly rules will be required for the purpose of training. Then sub-clauses (d), (f) and (g) also relate to the kind of punishment and the certificates to be given. Therefore, Sir, I have carefully seen that even the clauses that are mentioned for the working of the rules are absolutely harmless and therefore, I do not think that any encroachment has been made upon the rights of this House by asking us to give absolute power to Government to frame the rules. I do not share the views expressed by some of my honourable friends who hold that the Government is ours and therefore we may also entrust them with the work of preparing the rules themselves. I do feel, Sir, that there is nothing wrong in making provisions in clause 16 such as we have passed just now.

I heartily congratulate the Honourable Minister and I welcome this measure. I am quite sanguine that in view of what the Honourable Minister has stated that the rules are complete, that within a month or two this Territorial Army of 1,30,000 will be formed and all the patriots of this country will join it.

**Shri Mahavir Tyagi:** I wish to take this opportunity to bring it on record that when the Honourable Minister for Defence came into the House and asked for our help, we gave him the fullest support. Although many of our friends' advice he did not accept, we are now sending him rich with all the powers that he wanted from this House. We the peoples' representatives have given him all power and we all wish him good luck and success. The Honourable Minister has not accommodated any one of us except of course my honourable friend on this side, for a word or two, but then we do not mind his stiffness; he is the Minister of the Army; My honourable friend is accustomed to be stiff and hard, we do not mind. In spite of our purse being very stiff, we have given him the power to enrol lakhs of people into this Territorial Army and spend. The boys are there and whatever powers the Honourable Minister wanted are there. We are prepared to give further powers, but one thing is very important and that is he and his Government should guard us and see that not even an inch of our territory goes out of our hands. He will have to face us again if there is the slightest loss of territory, whether it is in Hyderabad or Kashmir or in the sea or in the mountain. In short he is responsible and he is the custodian of the boundaries of Hindusthan. We wish him good luck.

**Mr. Chairman:** The question is:

"That the Bill, as amended, be passed."

The motion was adopted

## INDIAN NAVY (DISCIPLINE) AMENDMENT BILL

**The Honourable Sardar Baldev Singh:** (Minister for Defence): Sir, I move:

"That the Bill to amend the Indian Navy (Discipline) Act, 1934, be taken into consideration."

Sir, this is a non-controversial measure. The necessity for this amendment has arisen on account of the fact that British Officers having higher ranks have already left and the rules require that only an officer of a certain rank can preside at the court-martial trial. Indian officers who have at present been promoted to higher ranks do not yet have these ranks. In order to enable the Indian officers to preside at court-martial trials, this amendment is necessary. I hope the House will accept the Bill.

**Mr. Chairman:** Motion moved:

"That the Bill to amend the Indian Navy (Discipline) Act, 1934, be taken into consideration."

**Shri C. M. Poonacha** (Coorg: General): On a point of information, Sir, in the Statement of Objects and Reasons, it is said that we have got only two Captains in the R.I.N. I would like to know whether it is a fact that we have at present only two captains in the R.I.N.

**The Honourable Sardar Baldev Singh:** I have already stated that the number of captains in the R.I.N. is very small. In fact, we have only two officers in captains rank in the Executive branch and, they are acting. That is why necessity has arisen for this amending Bill.

**Shri C. M. Poonacha:** Sir, in the Statement of Objects and Reasons it is said that we have only two captains in the R.I.N. I would like to know how many captains we have in the R.I.N. at the moment.

**The Honourable Sardar Baldev Singh:** It is stated in the Statement of Objects and Reasons. That is true.

**Mr. Chairman:** The question is:

"That the Bill to amend the Indian Navy (Discipline) Act, 1934, be taken into consideration."

The motion was adopted.

**Shri C. M. Poonacha:** Mr. Chairman, Sir, this is no doubt a simple measure; but at the same time, I fail to understand the implications of the Bill. The Bill suggests that because of the paucity of officers of the rank of captain in the R.I.N., the Minister is constrained to bring in a measure which enables officers holding lower ranks to preside over courts-martial. I understand that captains of a particular branch only are now authorised to sit as President of the court-martial, and captains of other branches are not allowed. Whereas in the Army as well as in the Air Force, the officers who are entitled to take seat as President of a court-martial have no bar whatsoever, whether they belong to any particular branch, or not. In the R.I.N. only officers of the Executive Branch are entitled and officers of other branches are not entitled to sit as President of the court-martial. If this is a fact, Sir, I am afraid we are excluding a good number of competent officers, whom we have at the moment, from taking part in the proceedings of court-martial, and also taking their seat as President in the court-martial. To illustrate further, I would like to put it to the House that in the R.I.N. in the Supplies Branch, you have more qualified officers. For recruitment to the Supplies Branch, a graduate's qualification is insisted upon, whereas for the Executive Branch, no such qualification is insisted. Therefore, judging the position as it is, you have more qualified officers in the Supplies Branch than in any other Branch. You debar them from taking their seat as Presidents, of a court-martial and come before this House to bring in a measure seeking to lower down the qualification of the officers that are going to take their seat as President of a court-martial. This will certainly bring down the standard of the proceedings of the court-martial.

[Shri C. M. Poonacha]

Therefore, I would humbly suggest to the Honourable Minister of Defence to consider this matter very carefully. I am for the present prepared to support this Bill; but I would do so only as a temporary measure. At the same time, I would request him to examine this position more carefully and utilise all such officers, who are qualified, in the R.I.N. to take their due share in these courts-martial.

For example, there will be offences relating to accounts, supply, and all such manner of things. Officers of the Executive Branch may not be quite competent to deal with cases relating to accounts and other things. While you have officers who are competent to take their seat relating to offences of this nature are concerned, you want to exclude them and without any justification restrict them to the Executive Branch, and plead before this House that there is a paucity of officers. Assuming this Bill is passed, you have for the moment only about six or seven Commanders and that will not improve matters very much. If you remove the bar that is being placed, you would be having more officers and this Bill would not have been called for at all. I would, therefore, suggest to the Minister to examine this position and see that the officers who are now readily available in the other branches are also enabled to take their seats as Presidents and members of the court-martial. Then the need for more competent officers for the court-martial would to a great extent be mitigated.

**Prof. Shibban Lal Saksena (U.P.: General):** Sir, when I read this Bill, I was sorry that our Navy should have only two men who are fit to.....

**Mr. Chairman:** The honourable member will please confine himself to clause 2 of the Bill. This is not a general discussion.

**Prof. Shibban Lal Saksena:** I was saying, Sir, that I was sorry to see that there are only two officers in the Navy who are fit to try these cases. I was referring to the great lee way that we have to make up. The present suggestion that men less qualified should be enabled to try offences is not fair. I think that as a matter of justice we should not reduce our standards, and it is really a sorry state of affairs that we have not taken care to see that in our navy we have more men who are capable of doing this work. Our navy should be properly expanded and we should see that we have enough officers of the required cadre to sit on courts-martial and punish offenders.

**Mr. Chairman:** I am afraid these are general remarks which have no particular application with reference to clause 2.

**The Honourable Sardar Baldev Singh:** Sir, I have nothing to add to what I have already stated. I think the honourable members have misunderstood the position. As I stated in my original remarks, this Bill is meant to enable Indian officers to be Chairman of Courts-Martial. That is, as I said, due to the nationalisation scheme. I may point out further that during the last war also this need was felt because a lot of officers were absent and only officers of the lower ranks were available. That is why there was need to amend the Bill temporarily during the war period. Now that the British officers are gone and we have no officers of the status that has been laid down in the Act, it is considered that officers of the lower rank should be enabled to be Chairman of Courts-Martial. That is the only amendment which is sought to be made in the Bill. It has nothing to do with promotions or with the reasons as to why there are only two Captains in the Navy, etc. The amendment is only intended to enable Indian officers holding the rank of acting Captains to sit as Presidents of Courts-Martial.

**Shri C. M. Poonacha:** Sir, may I have some information? My point was that there was a sort of bar placed on officers of senior rank of the other branches. The R.I.N. consists of the executive branch, the supply branch, the engineering branch and the medical branch. I should like to know if there is any bar on officers of some branches of the R.I.N.? Otherwise I have no quarrel. If the Honourable Minister can give the assurance that all Captains of the R.I.N. will be entitled to take their seat in these Courts-Martials I have no quarrel.

**The Honourable Sardar Baldev Singh:** I am not aware of any bar.

**Mr. Chairman:** The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sardar Baldev Singh:** Sir, I move:

"That the Bill be passed."

**Mr. Chairman:** The question is:

"That the Bill be passed."

The motion was adopted.

#### EXCHANGE OF PRISONERS BILL

**The Honourable Shri N. Gopalaswami Ayyangar** (Minister Without Portfolio): Sir, I move:

"That the Bill to provide, in pursuance of an agreement with Pakistan for the exchange of prisoners, for the transfer of certain prisoners from India to Pakistan and the reception in India of certain prisoners from Pakistan, be taken into consideration."

I think it is unnecessary for me to go into detail over the history of these negotiations for the exchange of prisoners between the two dominions. In answer to a number of questions on the floor of this House I have given that history more than once. First of all an agreement was entered into for the exchange of prisoners between East and West Punjab alone. We asked for the extension of this arrangement to the North-West Frontier Province, Baluchistan and Sind, while Pakistan wanted this arrangement to be extended to the East Punjab States and the States of Alwar and Bharatpur as well as the Delhi Province. With regard to East and West Punjab the arrangement that was entered into was delayed being given effect to because Pakistan was insistent that we should extend the scope of the scheme to the East Punjab States and the two other States as well. That meant a certain amount of delay. We were considering it but we thought at the same time that, if possible, the arrangement in East and West Punjab should be given effect to as the first instalment of this arrangement while we considered the proposals for extension of the arrangement to other areas. After a good deal of correspondence and negotiation between the two Governments the East-West Punjab arrangement was started being given effect to, and a certain number of prisoners from each province were sent over to the other side. Suddenly Pakistan suspended this arrangement because they said that they wanted an arrangement as regards Delhi to be concluded. Meanwhile we had agreed to the extension of the scheme to the East Punjab States and to Alwar and Bharatpur. With regard to Delhi there was a particular case which excited a good deal of public attention and comment and that was sub-judice; and until that case was disposed of we thought it would not be right for us to enter into any final arrangement as regards Delhi. We wanted certain conditions to be satisfied before we could

[Shri N. Goparaswami Ayyangar]

agree to the transfer of Delhi prisoners. Those conditions Pakistan was unwilling to agree to. Pakistan was insistent that as far as possible the arrangement that was in force as between East and West Punjab should be applied to the Delhi province as well. This case got subsequently disposed of and the negotiations were resumed; and as a result of the negotiations which were carried on in the last month or six weeks we have come to a final agreement under which all Muslim prisoners from the areas in India to which the scheme applies will be sent over to Pakistan and all Hindu and Sikh prisoners from West Pakistan will be transferred over to India. That arrangement has been finally concluded and steps are in train for making a list of the prisoners on either side, getting them checked up and then moving these prisoners to a point on the border where the Pakistan prisoners will also be brought, and the whole exchange will be effected practically in one transaction and practically at one place. That is the agreement. But perhaps honourable members would like to have some particulars of this arrangement.

The area that is to be covered includes in Pakistan the provinces of West Punjab; the North-West Frontier Province, Sind and Baluchistan and the States which have acceded to Pakistan into the Western Pakistan area. In India the area will cover the provinces of East Punjab and Delhi, the Phulkian States, the Patiala Union, Himachal Pradesh and the Matsya Union. In East and West Punjab all prisoners who are willing to go will be transferred. In the States all Muslim prisoners whose families have migrated to Pakistan and who are willing to go to Pakistan will be transferred. Pakistan is to take similar action in regard to Hindu and Sikh prisoners. All Muslim prisoners from Delhi whose families have migrated to Pakistan and who are willing to go there will be transferred. From Sind all Hindu and Sikh prisoners who are willing to come to India will be transferred. Persons who are guilty of offences committed after the 1st August will not be covered by the agreement.

The agreement also includes inmates of Borstal Institutes and Reformatory schools provided the parents or other lawful guardians are dead or have migrated to the other Dominion. There is also an arrangement as regards persons in the employ of the two Governments. The civil personnel who had the right to opt for Pakistan and who opted for Pakistan but were detained for offences committed in India or in the States are also to be transferred provided their families have migrated to Pakistan.

So far as these persons are concerned, the agreement covers the whole of India, wherever these Government employees may be. Reciprocal action has to be taken by the Pakistan Government in regard to India Government personnel.

These lists are now being made up and it is hoped that the checking of these lists on either side will be completed in the course of the coming week. It is hoped also that the movement of these prisoners and the actual exchange will be effected by about the middle of this month.

All this agreement has to be implemented by legal provisions in either Dominion. So far we have been working under an Ordinance issued by the Governor General. This particular Bill will repeal that Ordinance which in the ordinary course will expire somewhere about the 20th October. We will repeal that Ordinance and this will become an Act upon the Statute Book. It has to be an Act because there are portions of this Bill which will have to be enforced even after the exchange has been completed.

So far as the provisions of the Bill themselves are concerned, I do not think I need say much. The Bill provides only for the transfer of Muslim prisoners.

from here to Pakistan and for the reception of Hindu and Sikh prisoners from Pakistan in India: and I want to make it perfectly clear that this exchange covers every class of prisoner, convicted prisoners—whether convicted for political or other offences, under-trial prisoners, security prisoners, detenus. All these are covered by the agreement that has been entered into.

With regard to what happens after they come over here I wish to explain the legal position.

In India, they will be received by an officer designated by the Central Government who will receive them in East Punjab. East Punjab has now an Act on its Statute Book which provides for the execution of sentences of convicted prisoners received from Pakistan, for the trial of under-trial prisoners and for taking such further action according to law as may be necessary in the case of other prisoners. That Act will take effect so far as the treatment of these prisoners after they are received here is concerned. That Act is being extended to the two Centrally administered areas of Delhi and Ajmer-Merwara. No other province has a similar Act. No State, I believe, has a similar Act. But the idea is that it is desirable, as we are receiving all these prisoners from West Pakistan, that their cases should be disposed of in these three areas, namely, East Punjab, Delhi and Ajmer-Merwara. Of course, if it is intended that the prisoners who are received as convicted prisoners should be distributed to other provinces or States there are other provisions of the law in force in East Punjab which will enable this being done. There is also this further circumstance: even though these under-trial prisoners may be tried after they are received in East Punjab and in the other two areas, whatever sentences may be inflicted on conviction on such under-trial prisoners, they could be executed by the two Governments concerned, and if it is found desirable to transfer any of them to other areas that could be done under the Prisoners' Act which is in force.

Therefore, in order to implement this agreement which we have entered into with Pakistan, we have produced a Bill which is within the competence of this Legislature to enact into law, which is as much as it is absolutely necessary for the purpose intended. Sir, I move:

**Mr. Chairman:** Motion moved:

"That the Bill to provide, in pursuance of an agreement with Pakistan for the exchange of prisoners, for the transfer of certain prisoners from India to Pakistan and the reception in India of certain prisoners from Pakistan, be taken into consideration."

*The Assembly then adjourned till a Quarter to Eleven of the Clock on Thursday, the 2nd September, 1948.*