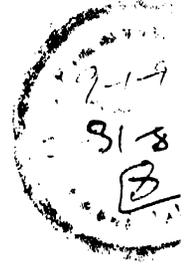


Wednesday, 18th April, 1951



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME VII, 1951

(2nd April to 16th May, 1951)

Third Session (Second Part)

of the

PARLIAMENT OF INDIA

1951

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CORRIGENDA

In the Parliamentary Debates (Part I—Questions and Answers) Third Session of Parliament (Second Part), 1951,—

In Volume VII—

1. No. 1, dated the 2nd April, 1951,—

(i) कालम २७८२, पंक्ति ३, “हम” के स्थान पर “इस” पढ़ें ।

(ii) - کالم ۲۷۸۳ نہجے سے سطر ۸ میں ”بھی“ کے بجائے ”اسی“ پڑھیں۔

(iii) Col. 2807, line 30 for “Archaeological” read “archaeological” and line 5 from bottom for “Ttransport” read “Transport”.

2. No. 7, dated the 10th April, 1951,—

(i) कालम ३०३२, नीचे से पंक्ति ४ “बगैहर” के स्थान पर “बगैरह” पढ़ें ।

(ii) Col. 3055, lines 16 and 17 for the word “Consituation” read “Constitution”.

3. No. 8, dated the 11th April, 1951,—

कालम ३१२५, नीचे से पंक्ति ९ “यागिज्य” के स्थान पर “वाधिज्य” पढ़ें ।

4. No. 11, dated the 16th April, 1951,—

(i) Col. 3230, line 27 from bottom for “ment” read “meant”.

(ii) Col. 3244, line 23 insert “of” after the words “abolition of any”.

(iii) कालम ३२५१, नीचे से पंक्ति २ “श्री जागडे” के स्थान पर “श्री जापडे” पढ़ें ।

(iv) Col. 3254, line 14 for “yards” read “years”.

5. No. 12, dated the 17th April, 1951,—

Col. 3267, line 24 for “clerllago” read “clerkage”.

6. No. 13, dated the 18th April, 1951,—

(i) Cols. 3301 & 3302, lines 22 from bottom and 24 respectively for the words “statu- tary” and “statutory” read “statuary”.

(ii) Col. 3330, line 21 for “landing ” read “landed”.

(iii) Col. 3340, lines 16 and 18 for “manzas” read “mouzas”.

7. No. 15, dated the 20th April, 1951,—

Col. 3402, line 2 from bottom for “Curch” read “Church”.

8. No. 16, dated the 21st April, 1951,—

Col. 3447, for the existing line 24 substitute “ship Scholarship ; and ”

9. No. 17, dated the 23rd April, 1951,—

(i) Col. 3478, line 27 from bottom for “so” read “of”.

(ii) Col. 3491, between lines 4 and 5 from bottom insert new line “and (iii) Raw materials during the period October 1950 to February”.

10. No. 19, dated the 25th April, 1951,—

(i) Col. 3548, for the existing line 20 from bottom substitute “satisfaction of Members. It is the”.

(ii) Col. 3556 for the existing line 1 from bottom substitute “Indian Rupee or Sterling ?” and for line 26 from bottom substitute “meet for the first session. Accord”

- کالم ۳۵۱۳ نہجے سے سطر ۱۱ و سطر ۲۶ کے بجائے ”د طور پر“ پڑھیں۔

11. No. 20, dated the 26th April, 1951,—

(i) Col. 3621, line 7 from bottom for the figures “1,420” read “41,420”.

(ii) Col. 3626, line 1 for “condeming” read “condemning”.

12. No. 22, dated the 28th April, 1951,—

Col. 3687, line 26 for “complete” read “compete”.

13. No. 26, dated the 3rd May 1951,—

Col. 3881 for the existing line 17 from bottom *substitute* "and Supply (Shri Gadgil):(a) 105".

14. No. 27, dated the 4th May, 1951,—

Col. 3925, line 25 from bottom for "fireman" read "firman".

15. No. 30, dated the 8th May 1951,—

(i) Col. 4041, for the existing line 15 from bottom *substitute* "(c) No, as none is considered neces-".

(ii) Col. 4042, line 31 *insert* "such" before the word "circums-".

16. No. 31, dated the 9th May, 1951,—

Col. 4087, line 21 for "Rama" read "Rana".

17. No. 32, dated the 10th May, 1951,—

(i) Col. 4124, line 20 from bottom for "member" read "number".

(ii) Col. 4129, line 21 for the words "having come" read "coming out of", lines 6 & 8 from bottom for the figure "1.4.51" read "15.4.51", and for "15.4.51" read "1.4.51" respectively.

- (iii) कालम ४१३३, पंक्ति १२ "नियम" के स्थान पर "नियंत्रणों" पढ़ें ।

18. No. 33, dated the 11th May, 1951,—

(i) Col. 4150, line 10 from bottom for "of" read "to".

(ii) Col. 4161, line 17 for the figure "85" read "185".

(iii) Col. 4162, line 24 for "in view of" read "in lieu of".

19. No. 36, dated the 15th May, 1951,—

(i) Col. 4270, line 30 for "pait-mixture" read "paint-mixture"

(ii) कालम ४२८८, पंक्ति २८, "*२९५" के स्थान पर "२९५" पढ़ें ।

(iii) कालम ४२८९, नीचे से पंक्ति १९, "बद्य" के स्थान पर "लाद्य" पढ़ें ।

PARLIAMENT OF INDIA

The-Speaker

The Honourable Shri G. V. Mavalankar.

The Deputy-Speaker

Shri M. Ananthasayanam Ayyangar.

Panel of Chairmen

Pandit Thakur Das Bhargava.

Shrimati G. Durgabai.

Shri Prabhu Dayal Himatsingka.

Sardar Hukam Singh.

Shri Manilal Chaturbhai Shah.

Secretary

Shri M. N. Kaul, Barrister-at-Law.

Assistants of the Secretary

Shri A. J. M. Atkinson.

Shri N. C. Nandi.

Shri D. N. Majumdar.

Shri C. V. Narayana Rao.

GOVERNMENT OF INDIA

Members of the Cabinet

- Prime Minister and Minister of External Affairs—The Honourable Shri Jawaharlal Nehru.**
Deputy Prime Minister and Minister of Home Affairs and the States—The Honourable Sardar Vallabhbhai Patel.
Minister of Education—The Honourable Maulana Abul Kalam Azad.
Minister Without Portfolio—The Honourable Shri C. Rajagopalachari.
Minister of Defence—The Honourable Sardar Baldev Singh.
Minister of Labour—The Honourable Shri Jagjivan Ram.
Minister of Communications—The Honourable Shri Rafi Ahmad Kidwai.
Minister of Health—The Honourable Rajkumari Amrit Kaur.
Minister of Law—The Honourable Dr. B. R. Ambedkar.
Minister of Works, Mines and Power—The Honourable Shri N. V. Gadgil.
Minister of Transport and Railways—The Honourable Shri N. Gopalaswami Ayyangar.
Minister of Industry and Supply—The Honourable Shri Hare Krishna Mahtab.
Minister of Food and Agriculture—The Honourable Shri K. M. Munshi.
Minister of Commerce—The Honourable Shri Sri Prakasa.
Minister of Finance—The Honourable Shri Chintaman Dwarkanath Deshmukh.

Ministers not in the Cabinet.

- Minister for the purposes of agreement between the Prime Ministers of India and Pakistan of the 8th April, 1950—The Honourable Shri C. C. Biswas.**
Minister of State for Transport and Railways—The Honourable Shri K. Santhanam.
Minister of State for Information and Broadcasting—The Honourable Shri R. R. Diwakar.
Minister of State for Parliamentary Affairs—The Honourable Shri Satyanarayan Sinha.
Minister of State for Rehabilitation—The Honourable Shri Ajit Prasad Jain.
Deputy Minister of Communications—Shri Khurshed Lal.
Deputy Minister of External Affairs—Dr. B. V. Keekar.
Deputy Minister of Commerce—Shri Dattatraya Parasahuram Karmarkar.
Deputy Minister of Defence—Major General Himatsinghji.
Deputy Minister of Works, Mines and Power—Shri S. N. Buragohain.
Deputy Minister of Food and Agriculture—Shri M. Thirumala Rao.

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

3301

3303

PARLIAMENT OF INDIA

Wednesday, 18th April, 1951.

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

**DUTIES ON IMPORT AND EXPORT OF
BOOKS**

*3225. **Dr. Ram Subhag Singh:** Will the Minister of Finance be pleased to state whether duties are charged on the export and import of books, newspapers, works of arts, and educational films?

The Minister of State for Finance (Shri Tyagi): No export duty is leviable on any of these articles. As regards import duty, books, current newspapers and films of an educational character are not chargeable to duty but duty is leviable on old newspapers. Works of art are chargeable to duty except the following which are free under the Tariff:

Statutory and pictures intended to be put up for public benefit in a public place, and memorials of a public character intended to be put up in a public place, including materials used, or to be used in their construction, whether worked or not.

Dr. Ram Subhag Singh: May I know, Sir, the total value of the duty charged on these materials in the years 1950 and 1951?

Shri Tyagi: I have not got the exact figures for any particular year. But if my friend wants the figures for 1950 and 1951, approximately the value of printed books or other printed matter imported was about Rs. 70 lakhs and those exported was to the value of Rs. 35 lakhs. If you charge rates applicable to old papers, this import fetches Rs. 21 lakhs. This is with regard to books. As for works of art the 38 P.S.

imports were to the value of Rs. 70,000 and exports to the value of Rs. 35 lakhs; and the import duty leviable on these works of art would be Rs. 21,000.

Dr. Ram Subhag Singh: In view of the fact that we need several books and works of art and educational films for training the public, may I know whether Government propose to do away with the import duty on these materials?

Shri Tyagi: These pieces of art which are not for public use are mostly got down for commercial purposes and parties who import such pieces of art generally make profit out of them. Therefore, Government does not think it proper to allow them free.

Prof. K. T. Shah: May I know whether there are any inspections by way of customs-duty or otherwise on the export of Indian works of art such as pictures or statutory or otherwise?

Shri Tyagi: As I have said, pictures and other works of art intended for being put up at public places are exempt from import duty. As for further information regarding export, I would require notice.

Shri T. Husain: Am I to understand from the answer given by the hon. Minister, that no export duty is charged on works of art, like a painting and if so, why?

Mr. Speaker: Order, order. I do not propose to allow it.

Shri E. Velayudhan: May I know whether there is any discriminatory rate for the import of books and periodicals from Soviet Russia?

Shri Tyagi: As I have said, there is no discrimination. Books are already free from duty.

Shri E. Velayudhan: What about periodicals?

Mr. Speaker: Order, order.

Shri Sondhi: The hon. Minister mentioned the figures for 1950 and 1951, may I know whether they are estimated figures or actual figures?

Shri Tyagi: I think, Sir, I gave round figures.

Mr. Speaker: But the question is whether the figures are actuals or estimates.

Shri Tyagi: The actuals will be in detailed figures going up to the unit, so many thousands, so many hundreds and so on. But I have given round figures.

ALL-INDIA MEDICAL INSTITUTE FOR POST-GRADUATE TRAINING

*3226. **Dr. Ram Subhag Singh:** Will the Minister of Health be pleased to state whether the Government propose to establish an All-India Medical Institute for post-graduate training?

The Minister of Health (Rajkumari Amrit Kaur): The proposal for the establishment of an All India Medical Institute has had to be postponed on account of financial stringency. In the meantime, the upgrading of certain departments of existing medical institutions has been taken up with a view to improving existing facilities for post-graduate teaching and medical research.

Dr. Ram Subhag Singh: May I know whether a college for surgeons, meant specifically for surgical training is going to be shortly started in Delhi as proposed by the All-India Medical Association?

Rajkumari Amrit Kaur: Sir, I could not follow the question.

Mr. Speaker: The question is whether a surgical training institute is going to be put in Delhi in pursuance of certain requests or resolutions passed by the All-India Medical Association.

Rajkumari Amrit Kaur: I have no information on that point.

Shrimati Durgabal: May I know what steps are being taken by the hon. Minister to bring a college of this kind into existence early this year?

Rajkumari Amrit Kaur: We are trying to collect funds and seeing if we could not begin a medical college in Delhi as soon as possible. But it is difficult these days to raise money and we have not got money in the Budget this year for this purpose.

Shri A. C. Guha: May I know if the Government have received any proposal from Calcutta for converting the

Lake Medical College into a college giving post-graduate training?

Mr. Speaker: This matter has been dealt with here more than once.

Shri A. C. Guha: Sir, that was about the continuance of that college in its former site. My question is whether there is any proposal to convert it into a college for post-graduate training.

Mr. Speaker: How does it arise when there is a clear decision not to continue the college?

Shri T. N. Singh: May I know whether there is any arrangement in the various colleges in India for post-graduate work in all branches of work like surgery, bacteriology and pharmacology?

Rajkumari Amrit Kaur: Sometime ago I laid on the Table of the House information regarding the steps taken by Government for upgrading teaching in certain colleges; I could furnish that statement to the hon. Member again and if he should so desire, he can see from it what steps have already been taken by Government in this matter.

ANCIENT MONUMENTS

*3227. **Prof. S. N. Mishra:** Will the Minister of Education be pleased to state:

(a) whether the proposal to carry out a survey of ancient monuments in the States of India with a view to picking out monuments to be taken over by the Central Archaeological Department has been implemented; and

(b) if not, the reasons for the delay?

ملسٹر آف ایجوکیشن (مولانا آزاد):

(اے) اور (بی) - ہاں - سروے کا کام ہو

رہا ہے۔

[The Minister of Education (Maulana Azad): (a) and (b). Yes, Sir. The survey has started.]

प्र० ऐस० ऐन० मिश्र : क्या मैं यह जान सकता हूँ कि कौन कौन सूबों में इस काम की शुरुआत हो चुकी है ?

[Prof. S. N. Mishra: May I know in which of the States has this work been started?]

مولانا آزاد : کسی خاص صوبہ کا

نام لہنا ضروری نہیں ہے - پارٹ اے -

پارٹ ہی - اور پارٹ سی - تہیں میں
سروے ہو رہا ہے -

[Maulana Azad: It is not necessary to name any particular State. The survey work is going on in all the three categories of States, viz., Parts A, B and C.]

प्र० ऐस० ऐन० मिश्र : क्या मैं यह जान सकता हूँ कि इस काम के सिलसिले में कुछ मान्यमेंट चुने जा चुके हैं और चुने जा चुके हैं तो कौन कौन से मान्यमेंट चुने जा चुके हैं ?

[Prof. S. N. Mishra: May I know if any monuments have been selected in this connection and, if so, which?]

مولانا آزاد : پارٹ بی اسٹیٹس
میں سے حیدرآباد - جمہور اور اودھپور
میں کام ہو چکا ہے - مدھئی بھارت
اور تراونکور کوچین میں بھی کام ہو
چکا ہے -

[Maulana Azad: In the case of Part B States, work has been done in Hyderabad, Jaipur and Udaipur. Work has also been done in Madhya Bharat and Travancore-Cochin.]

شری ٹی - حسین : کیا حکومت
نے کوئی ایڈیشنل اسٹاف اس کام کے
لئے رکھا ہے اور اگر رکھا ہے تو اس
ایڈیشنل اسٹاف میں پرشیں اور
سلسکرت کا کوئی اسکالر ہے یا نہیں ؟

[Shri T. Husain: Has Government appointed any additional staff for the purpose and, if so, is there any scholar of Persian and Sanskrit on this additional staff?]

مولانا آزاد : ہاں - ایک ایڈوائزر
کی پوسٹ بڑھائی گئی ہے - ایڈیشنل
اسٹاف رکھنے کی ضرورت اسلئے پھیں
نہیں آئی کہ جو اسٹاف پہلے سے
موجود ہے وہ اس کام کو بخوبی
انجام دے سکتا ہے -

[Maulana Azad: Yes. The additional post of an Advisor has been created. It was not thought necessary to employ any more additional staff because the staff already there can cope with the work very well.]

شری ٹی - حسین : میں
جاننا چاہتا ہوں کہ جو وہ ایڈوائزر
ہیں وہ سلسکرت یا پرشوں کے یا
چائلٹ اسکالر ان دونوں کے ہیں یا
نہیں -

[Shri T. Husain: I wish to know whether the Advisor is a scholar of Sanskrit or of Persian or of both?]

مولانا آزاد : ایڈوائزر وہی ہیں
جو کہ برسوں سے ڈائریکٹر تھے - مسٹر
چکروورتی -

[Maulana Azad: The Advisor is the same person who has been the Director for several years, viz., Mr. Chakravarty.]

प्र० ऐस० ऐन० मिश्र : इस काम के लिये क्या कुछ समय की हद रखी गई है ?

[Prof. S. N. Mishra: What is the time limit fixed for this work?]

مولانا آزاد : کوئی خاص
وقت تو نہیں رکھا گیا ہے - لیکن
گوشش کی جا رہی ہے کہ جلد سے
جلد کام ختم ہو جائے -

[Maulana Azad: No specific time limit has been fixed but efforts are being made to finish the work as early as possible.]

INDIAN HISTORY

*3228. Shri Sidhva: Will the Minister of Education be pleased to state:

(a) whether the Netherlands Government have agreed to supply the Government of India with microfilm copies of old records which have any bearing on Indian History;

(b) if so, whether these records relate to any particular period of Indian history and how old are they; and

(c) whether any amount has been paid to the Netherlands Government for these microfilm copies?

مستتر آف ایجوکیشن (مولانا آزاد):

(اے) ہاں - نیدرلینڈ کی گورنمنٹ آپ کو
کہائے تیار ہو گئی کہ مائیکروفلم کاپیاں
ہمارے لئے بلا دی جائیں۔

(بی) یہ ریکارڈ ڈچ ایسٹ انڈیا
کمپنی کے ہیں اور اس کا بڑا حصہ
سترہویں صدی کا ہے یا آٹھارہویں صدی
کے شروع زمانہ کا۔

(سی) اس وقت تک ۷۵۰۳
روپیہ دیا جا چکا ہے۔

[The Minister of Education (Maulana Azad): (a) Yes, Sir. The Government of Netherlands have agreed to supply the microfilm copies.

(b) These records belong to the Dutch East India Company and mainly cover the 17th and early 18th centuries.

(c) A sum of Rs. 7,503 has, so far, been paid.]

سید سید: میں جناب وزیر ساہب سے پوچھنا چاہتا ہوں کہ یہ جو نیدرلینڈ کی گورنمنٹ ہینڈوستان کا ہتھاس یھاں بھج رہی ہے اسمے انھوں نے بتایا کہ ایسٹ انڈیا کمپنی کا ہتھاس ہے تو یہ ڈچ ایسٹ انڈیا کمپنی کا ہے یا سیرف ایسٹ انڈیا کمپنی کا ہے؟

[Shri Sidhva: I wish to enquire whether the historical records which are being sent here by the Government of Netherlands and which are said to belong to the East India Company, in fact belong to the 'Dutch East India Company' or 'East India Company'?)

مولانا آزاد: ڈچ ایسٹ انڈیا کمپنی کا۔

[Maulana Azad: They belong to the Dutch East India Company.]

سید سید: آپ نے کون سی سدی کا کہا؟

[Shri Sidhva: Which century, did you say, they belong to?]

مولانا آزاد: سترہویں اور آٹھارہویں

صدی۔

[Maulana Azad: The seventeenth and the eighteenth centuries.]

سید سید: کیا یہ بات ٹیک ہے کہ اپنے نیشنل آرکائیوز میں ہینڈوستان کے ہتھاس کے والیوم تیار کیے گئے ہیں تو یہ کب کب پبلیش ہونے والے ہیں؟

[Shri Sidhva: Is it correct that some volumes on Indian history have been prepared by the National Archives of India, and, if so, when are they going to be published?]

مولانا آزاد: اس سوال کا تعلق

اس سوال سے تو نہ تھا۔ لیکن بہر حال میں یہ بتلا دینا چاہتا ہوں کہ اس طرح کی کوئی ہسٹری نہیں آڈائیو تیار نہیں کر رہا ہے۔

[Maulana Azad: The question does not arise but, all the same, I should like to state that no such history is being prepared by the National Archives.]

GRANTS TO UNIVERSITIES

*3229. Shri S. C. Samanta: (a) Will the Minister of Education be pleased to state the amount of recurring and non-recurring grants given to the Universities in the Centrally Administered areas (university-wise) since 1947-48?

(b) Have any special grants or loans been made to the Universities during this period?

(c) If the answer to part (b) above be in the affirmative, for what purposes were they made?

مستتر آف ایجوکیشن (مولانا آزاد):

(اے) - (بی) اور (سی) - ایک اسٹیٹمنٹ

ہاؤس کی تہیل پر رقم دیا گیا ہے۔
[See Appendix XXII, annexure No. 16.]

[The Minister of Education (Maulana Azad): (a) to (c). A statement is placed on the Table of the House. [See Appendix XXII, annexure No. 16.]

Shri S. C. Samanta: Has any committee been appointed to review the activities of the Delhi University and other Central Universities about their finances and to report on their needs at present and in the future?

مولانا آزاد : نہیں - اس وقت کوئی ایسی کمیٹی کام نہیں کر رہی ہے -

[Maulana Azad: No. No such committee is there at the moment.]

श्री टी० ऐन० सिंह : मैं यह जानना चाहता हूँ कि जो हमारी पुरानी नेशनल यूनिवर्सिटीज थीं, जैसे कि गुजरात विद्यापीठ या बिहार विद्यापीठ, उन को भी कोई ग्रांट आप की तरफ से दी जाती है या नहीं ?

[Shri T. N. Singh: I wish to know if any grant is being paid by the Government to our old national universities, such as the Gujrat Vidyapith or the Bihar Vidyapith?]

مولانا آزاد : نہیں۔ اس وقت تک انہیں کوئی گرانٹ نہیں دی گئی ہے۔ اور نہ انہیں نے درخواست کی ہے۔ کاشی و دیاپیتھم کا معاملہ دو برس ہوئے ملستری کے سامنے آیا تھا۔ لیکن معلوم ہوا اس کے کانستٹیوشن میں یہ بات رقم دی گئی ہے کہ کسی طرح کی سرکاری مدد نہ لی جائے۔ اسلئے وہ معاملہ آگے نہیں بڑھ سکا۔

[Maulana Azad: No. No grant has been paid to them so far, nor have they applied for it. The case of Kashi Vidyapith did come up before the Ministry two years back but it was found that a provision had come to be introduced into its constitution that no Government aid of any kind should be sought and hence the matter could not go any further.]

काका भगवन्त राय : मैं जनाब से पूछना चाहता हूँ कि क्या हुकूमत पटियाला ने हुकूमत हिन्द के पास कोई ऐसी तजवीज़ भेजी है कि पटियाला में कोई यूनिवर्सिटी बनाई जाय और अगर जेजी है तो उस के बारे में उन की क्या राय है ?

[Kaka Bhagwant Roy: I wish to enquire whether the Patiala Government has sent any proposal to the

Government of India for the establishment of a university at Patiala and, if so, what are their views on the subject?]

مولانا آزاد : نہیں - کوئی ایسی درخواست ہمارے پاس نہیں آئی -

[Maulana Azad: No. No such application has been received by us.]

Dr. Deshmukh: May I know if the hon. Minister has examined the financial condition of all the Universities in India and is there any proposal to see that all universities attain a certain minimum standard, so far as finances are concerned?

مولانا زاد : ذیل میں گورنمنٹ کی وجہ سے گورنمنٹ آف انڈیا کی اس وقت چھٹی کچھ حالت ہے وہ انویسٹمنٹ سے کوئی معلوم ہے۔ اسلئے اس طرح کی کوئی تجویز پریکٹیکل نہیں ہے۔

[Maulana Azad: The hon. Member knows the condition in which the Government of India finds itself at this time. Hence, no such proposal is practicable.]

Shri Dwivedi rose—

Mr. Speaker: This question is restricted only to the Centrally administered areas.

GOLD MINES

*3230. Dr. M. M. Das: Will the Minister of Natural Resources and Scientific Research be pleased to state:

- (a) the number of Gold Mines in India;
- (b) where they are situated;
- (c) the quantities of gold produced by each of those mines during 1949-50;
- (d) the countries, where these Gold Mining Companies are incorporated; and
- (e) the taxes imposed upon the Mining Companies by the Central Government?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) to (d). A statement showing the information available with the Geological Survey of India and the Indian Bureau of Mines is laid on the Table of the House. [See Appendix XXII, annexure No. 17.]

(e) No special taxes have been imposed by the Central Government on the Gold Mining Companies. They only pay the usual Income Tax.

Dr. M. M. Das: From the statement I find that nearly all the important mines are worked by Messrs. John Taylor and Sons. This company was formerly incorporated in England but has been recently incorporated in India. What is the percentage of Indian-owned shares in this company?

Shri Sri Prakasa: I fear I have not got any detailed information on the subject.

Dr. M. M. Das: From the statement I find that four mines star-marked are not being worked at present. Why are these mines not worked at present?

Shri Sri Prakasa: The fact is that they are not being worked and I could not tell the House the reasons thereof.

Dr. M. M. Das: May I know whether any tax in the name of contribution or royalty has been imposed on these mines and, if so, what Government is the recipient of these taxes?

Shri Sri Prakasa: It is understood that the mining companies in the Kolar Goldfields area have to pay at present the following taxes to the State Government:

- (1) A rent of Re. 1 per acre and cesses.
- (2) Royalties at 5 per cent. of the sale value of gold.
- (3) Additional royalties on declared dividends levied on a sliding scale.
- (4) A contribution of 50 to 70 per cent. of the surplus over 6 per cent. on the paid up capital.

Dr. M. M. Das: Am I to understand that nothing of this amount comes to the Central Government?

Shri Sri Prakasa: The hon. Member should certainly so understand.

Dr. V. Subramaniam: What is the percentage of profits which these companies make?

Shri Sri Prakasa: I regret I have not examined their balance-sheets.

Shri Rudrappa: Is it a fact that the company shifted its headquarters from England to Mysore State mainly to get financial help from the Government of Mysore? If so, what is the financial help they are getting from the Mysore Government to work the mines?

Shri Sri Prakasa: I do not know the motives that actuated any persons to move from one place to another. The fact is they are getting no financial aid from the Government.

Shri Hussain Imam: I want to ask about the right of the Mysore Government to charge this tax.....

Mr. Speaker: He may raise it later on. It is not a matter of information but a matter for discussion.

COLLECTION OF TAXES

*3231. **Shri Kishorimohan Tripathi:** Will the Minister of Finance be pleased to state:

(a) the total yearly cost of collection of taxes direct and indirect, as imposed by the Government of India; and

(b) what percentage of the amount collected as taxes is spent as cost of collection?

The Minister of State for Finance (Shri Tyagi): (a) and (b). A statement giving the information is laid on the Table of the House. [See Appendix XXII, annexure No. 18.]

Shri Kishorimohan Tripathi: Why is the cost of collection in respect of both direct and indirect taxes steadily increasing?

Shri Tyagi: Yes, it is steadily but slowly increasing.

Shri Kishorimohan Tripathi: I wanted to know the reason why.

Shri Tyagi: Because in fact work has increased and there is a lot of collection work on the incometax side lying in arrears. For their realisation it is necessary that we add even to the present number of gazetted and non-gazetted officers. Even then I might submit that comparatively our cost of realisation, especially on the incometax side, is slightly lower than what it is in the U. K.

Shri Kishorimohan Tripathi: What is it in the U. K.?

Pandit Munishwar Datt Upadhyay: What is the highest percentage of the cost of collection in respect of these taxes?

Shri Tyagi: In the statement laid on the Table it will be found that the cost of collection of incometax in 1949-50 was 1.39 per cent., on customs it is 3.486 per cent. and on Central Excises 5.781 per cent.

Shri T. N. Singh: The Minister stated that the cost has increased owing to

efforts to cope with the arrears of income-tax collection. As a result of the extra expenditure what amount of arrears have been realised?

Shri Tyagi: I cannot give the House the exact figure but I might tell the House that the more additional staff that the House sanctions to the department, 60 to 70 times the expenditure we shall receive in the shape of revenue.

INTERNATIONAL MONETARY FUND

*2322. **Shri Kishorimohan Tripathi:** Will the Minister of Finance be pleased to state the amount of interest which will be chargeable to the Government of India during 1950-51 and 1951-52 on borrowings from the International Monetary Fund and Bank?

The Minister of Finance (Shri C. D. Deshmukh): Charges payable to the International Monetary Fund on \$99.98 million borrowed by India from the Fund amount to Rs. 38 lakhs during 1950-51 and Rs. 55 lakhs during 1951-52.

Interest and Commission charges on the dollar loans taken from the International Bank for Reconstruction and Development for the Railways Land Reclamation and Bokaro Thermal Projects amount to Rs. 65.60 lakhs for 1950-51 and Rs. 90.98 lakhs for 1951-52.

Shri T. N. Singh: May I know whether the item referred to as commission was paid to the International Monetary Fund and Bank or to some other foreign bank, or was it paid to branches of our own Indian banks?

Shri C. D. Deshmukh: The International Monetary Fund and the International Bank charge this commission.

Shri Jhunjunwala: What are the rates of interest?

Shri C. D. Deshmukh: Service and interest charges which the Fund levies are laid down under article 5, section 8 of the Fund Agreement, which are as follows:

(1) *Service charges.* Equal to $\frac{1}{2}$ per cent. of the amount purchased, payable in gold at the time of the purchase of the foreign currency.

(2) *Interest charges,* also payable in gold at the following rate:—

For the first three months.....Nil.
For the next nine months... $\frac{1}{2}$ per cent. per annum.

For the second year...1 per cent. per annum.

For every subsequent year an additional $\frac{1}{2}$ per cent. per annum till it reaches 4 per cent. per annum, when the Fund and the country concerned are expected to take up the question of re-purchase. In our case the rate of 4 per cent. will be reached in 1956-57.

That is as regards the Fund. The rates of interest for the various loans taken from the International Bank for Reconstruction are according to the number of years for which the loan is given. On the Railway loan which was for fifteen years the rate of interest, including 1 per cent. commission, was 4 per cent. For the land reclamation loan the period was 7 $\frac{1}{2}$ years and the rate, including the commission, was 3 $\frac{1}{2}$ per cent. For the Bokharo thermal project the period of loan was 20 years and the rate of interest, including commission, was 4 per cent.

Shri T. Husain: May I know the total amount of money upto date which the Government of India owe to the International Monetary Fund and the Bank?

Shri C. D. Deshmukh: The sum borrowed—not borrowed, it is called purchase of currency—works out to a total of \$99.98 million. So far as the loans taken from the International Bank are concerned, the total is a little over \$60 million.

Dr. Deshmukh: Does the rate charged by the International Monetary Fund and the Bank vary according to the nations to which the money is advanced, and, if so, are we paying more or less as compared with other countries?

Shri C. D. Deshmukh: No, Sir. It does not vary according to the country which borrows—it varies according to the project and also according to the basic rate at which the International Bank is able to raise money from the New York market.

Shri Jnanl Ram: May I know whether this payment of interest to the I.M.F. will be a capital charge on the D.V.C. and, if so, with or without interest?

Shri C. D. Deshmukh: No money borrowed from the International Monetary Fund is used by the D.V.C. I think the hon. Member means the International Bank and not the Monetary Fund.

Shri Jnanl Ram: That is so.

Dr. Ambedkar: In the ordinary course, I do not think so because this is a matter entirely to be left to be disposed of by persons who are appointed to adjudicate claims in this matter.

Shri S. C. Samanta: Due to the sparseness of the population in Cooch-Bihar, will Government consider relaxing the rules in respect of polling stations in the coming elections?

Dr. Ambedkar: All these considerations will be borne in mind.

MANUFACTURE OF ARMS AND AMMUNITION

*3236. **Shri Sanjivayya:** Will the Minister of Defence be pleased to state:

(a) whether there are any factories in India to manufacture arms and ammunition;

(b) if so, what percentage of our requirements is manufactured in them; and

(c) if not, whether Government propose to start some?

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

(b) and (c). A proportion of our requirements is met by indigenous production and Government have certain plans to increase our capacity. It is not in the public interest to disclose further details.

Shri Sanjivayya: How does the quality of the indigenous arms compare with the quality of the imported arms?

Major-General Himatsinhji: We are very satisfied. It compares very favourably with the quality of imported arms.

Shri Sanjivayya: Are there any types of arms which cannot be manufactured in India?

Major-General Himatsinhji: I would like this question to be answered in confidence. If the hon. Member comes to the Defence Department, they will have great pleasure in giving him the information, in confidence.

Shri Gautam: While proposing to start such manufacturing concerns, do Government consider the desirability of taking the help of countries other than the United Kingdom, and if so, which countries have been thought fit for this purpose?

Major-General Himatsinhji: We have been doing so. One of the countries we are consulting overseas is Switzerland.

KOSI DAM PROJECT

*3237. **Shri B. R. Bhagat:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether tests regarding the construction of the Kosi Dam Project have been completed by the U. S. Bureau of Reclamation at its Denver Engineering Centre?

(b) If so, what are its findings?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) Yes, Sir. The tests carried out in the Bureau of Reclamation in U.S.A. related to the trial load analysis of the Kosi Dam. These tests were conducted by the Indian Engineers with the help and guidance of the U.S. Bureau of Reclamation.

(b) The results of the trial load analysis have enabled the dam section to be reduced. This will save about 9 lakh cubic yards of concrete which would result in a saving of Rs. 4 crores in the cost of the Dam. This means a reduction of 10 per cent. in the quantities originally proposed.

Shri B. R. Bhagat: May I know whether it is a fact that the Kosi Dam Zone is in the epicentre zone and if so whether this is being examined?

Shri Sri Prakasa: That is a very important matter and it is because of that that many of our plans have been held up.

Shri B. R. Bhagat: I would like to know whether this was examined by the Bureau and if so what recommendations has the Bureau made?

Shri Sri Prakasa: This matter has been examined, but I have not got the recommendations of the Bureau before me.

Shri T. N. Singh: Has the enquiry, made by this Bureau resulted only in holding up the Kosi Dam Project or has it made any modifications in the original plan of construction?

Shri Sri Prakasa: The fact is that because it is in the seismic zone, very great care is being taken to make our plans as complete as possible and avoid all risks that may be attendant because of this. As I informed the House on an earlier occasion, the whole programme has been divided into seven stages and the report of the first stage is out. We are dependent upon finance before we can take the scheme in hand.

Shri Raj Bahadur: May I know what is the cost of these tests?

Shri Sri Prakasa: The original estimate was Rs. 4 lakhs and 27 thousand, but as a matter of fact because we had the help of Indian engineers, it has come to only Rs. 1 lakh.

बाबू रामनारायण सिंह : प्रश्न में जांच की बात आई है, मैं यह जानना चाहता हूँ कि किस बात की जांच हुई है, कि आया वहाँ काम होना चाहिये या नहीं होना चाहिये, या तो कितना खर्चा होना चाहिये ? आखिर किस बात की जांच हुई है ?

[**Babu Ramnarayan Singh:** Since an enquiry has been mentioned I wish to know what was the subject matter of the enquiry. Was it to ascertain whether or not the work should be carried on there or to find out how much expenditure should be incurred?]

श्री श्री प्रकाश : जांच तो सभी बातों की हुई है। इसकी जांच हुई है कि कितना ऊंचा बांध बनाना होगा, इस बात की जांच हुई है कि कितना खर्चा होगा, और इस बात की भी जांच हुई है कि किस काम को पहले करना चाहिये और किस काम को पीछे करना चाहिये, इन सब बातों की जांच की गई है।

[**Shri Sri Prakasa:** The enquiry made related to all the aspects. There has been an enquiry into the fact as to what should be the height of the dam to be constructed, what would be the expenditure involved, as also which work should be taken up first and which later.]

Shri B. R. Bhagat: May I know whether the Government contemplate taking the first stage in hand in the near future and if so, what is the financial liability in respect of the first stage?

Shri Sri Prakasa: The total cost, as I informed the House on an earlier occasion, is estimated to be Rs. 177 crores. I am sorry I am not able to give the exact figures for the first stage. I believe it is in the neighbourhood of Rs. 25 crores. We shall take the construction in hand as soon as finances are placed at our disposal. Finances are not forthcoming at the present moment.

Shri Shiv Charan Lal: By what time do Government expect that the project will be completed?

Shri Sri Prakasa: The project has scarcely begun and it will take some time before it is completed.

Shri Hussain Imam: May I know whether the Rs. 25 crores include the expenditure already incurred, or is it new expenditure to be incurred on the first stage?

Shri Sri Prakasa: I fear I could not give all those details straight off.

FLOOD AND QUAKE—AFFECTED AREAS OF ASSAM

*3238. **Shri J. N. Hazarika:** Will the Minister of Natural Resources and Scientific Research be pleased to state whether an Engineering Party had been visiting flood and quake-affected areas of Assam, and if so, what for?

The Minister of Natural Resources and Scientific Research (**Shri Sri Prakasa**): Yes, Sir. An Engineering Party visited the flood and quake-affected areas in Assam to examine the extent to which the regimes of Brahmaputra and its tributaries have been disturbed in the earthquake of August, 1950, and to recommend,—

- (i) measures for the protection of areas which have become subject to inundation and erosion by the Brahmaputra and its tributaries as well as;
- (ii) measures for the training of these rivers and improvement of their regime.

Maulvi Faislur Ali: May I know who were the members of this Engineering party?

Shri Sri Prakasa: The Committee of Engineers consisted of the Director of Irrigation and Waterways, CWINC, Mr. Garg and he was helped by the representatives of the ECAFE, Assam Public Works Department, Joint Steamer Companies, the Geological Survey and the Survey of India. This Advisory Committee was appointed by the Government of India.

Shri Chaliha: May I know, Sir, if any member of the Engineering Service of Assam was associated with this Committee?

Shri Sri Prakasa: Yes, Sir. There were members of the Assam Public Works Department associated with this Committee. I am sorry I have not got their names.

Shri Chaliha: May I know whether it is a fact that the north bank of the

Brahmaputra has risen by about 20 feet and if so whether any steps are being taken for dredging?

Shri Sri Prakasa: I have got, Sir, the preliminary report of this Committee which covers about five closely typed sheets of paper. If the hon. Member would like to have a look at it, I shall make it available to him.

Shri J. N. Hazarika: May I know whether the Committee has recommended the construction of temporary or permanent embankments at Dibrugarh?

Shri Sri Prakasa: It may help the House if I read out the report of this Committee about Dibrugarh:

"This town is in danger both from flooding and from erosion. The highest flood level opposite the Circuit House in 1946 was about one foot higher than the bank level. The low water level at present is about six to seven feet above the corresponding level last year. Flood level is likely to be higher this year and if a flood of the same magnitude as occurred in 1946 comes down, the flood level is likely to rise to about five feet above the bank level causing serious flooding of the town. It, therefore, appears essential to have some form of an embankment constructed along the river and connected to high ground at both ends after carrying out actual surveys. The height of the bund may be kept six feet above the 1946 flood level."

CENTRAL COUNCIL OF HEALTH

*3239. **Shri S. C. Samanta:** Will the Minister of Health be pleased to state:

(a) whether a Central Council of Health has been established by the Government of India;

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

(c) if not, when it is expected to be established?

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

(b) Does not arise at this stage, but it is expected that the Council, when established, will assist in evolving a broad programme of co-ordinated action in the field of Health. In the interest of particular aspects of Health administration it may also be desirable and necessary for the Council to establish organisations invested with appropriate functions for promoting and maintaining co-operation between the Central and State Health administrations.

(c) The Third Health Ministers' Conference of August-September, 1950 passed a Resolution for the establish-

ment of such a Council under Article 263 of the Constitution. Copies of the Resolution have been forwarded to the State Governments for their comments. Steps for the establishment of the Council will be taken as soon as all the replies have been received.

PATENTS

*3240. **Prof. K. T. Shah:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) how many patents were applied for by the Council of Scientific and Industrial Research in this country, in the United States of America, and in the United Kingdom from the 15th of August, 1947 to the end of December, 1950; and

(b) how many of these applications were granted in each of these countries up to the year 1948 since the establishment of the Council, and in each of the years 1948-49 and 1949-50?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) The number of patents applied for between August, 1947 and December, 1950, is:

In India—47

In United Kingdom—5

In U.S.A.—7.

(b) The number of applications sealed is:

Country	Upto 1948	1948-49	1949-50
(i) India	70	27	18
ii) United Kingdom	1	Nil	1
(iii) U.S.A.	Nil	Nil	1

Prof. K. T. Shah: May I know if these applications are made by the Council as a body or by individuals working in the Council or under the Council and if the latter what is the position of these individuals in regard to the patents?

Shri Sri Prakasa: I am sorry I have not got the exact procedure that is adopted in these cases, but all applications are made on behalf of the Council, whoever the signatory of the application may be.

Prof. K. T. Shah: Am I to understand that the signatory of the application would himself be regarded as the patentee?

Shri Sri Prakasa: At the spur of the moment, so far as I can infer, the

application is made on behalf of the Council and the responsibility is that of the Council. The patentee would be the Council.

Prof. K. T. Shah: May I ask whether in the applications made by the Council there were any foreigners working in foreign firms established in India?

Shri Sri Prakasa: I could not answer that question, Sir.

Prof. K. T. Shah: May I enquire if in regard to the applications made outside India, in the U.K. or the U.S.A., were any cases brought to the notice of the Indian Government or Indian authorities regarding the conflict of our application with another patent already granted in those countries?

Shri Sri Prakasa: I have no information on the subject.

Shri T. N. Singh: Is it a fact that certain industrial concerns have utilised the formula of the process discovered by the Government for getting their own patents?

Shri Sri Prakasa: I do not know if any such incidents have taken place. If the hon. Member has knowledge of any, I should like to know.

LEASING OUT OF PATENTS

*3241. **Prof. K. T. Shah:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether any of the patents applied for by the Council of Scientific and Industrial Research in this country, the United States of America and the United Kingdom from the 15th August 1947 to the end of December 1950 have been leased out to private firms, or individuals for working, and with what financial results to the State in each case, in the years 1947-48, 1948-49 and 1949-50?

(b) Have Government associated themselves with any such firms or individuals in working these patents, and if so, what are the financial or other commitments of Government by way of procuring technical assistance or equipment needed for working the patent?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) and (b). During the period 15th August 1947 to 31st December 1950 the Council of Scientific and Industrial Research applied for 59 patents in India, U.S.A. and U.K., of which 28 have so far been sealed. Non-technical notes regarding 9 of these patents have been published with a view to obtaining offers from Industry.

It usually takes 2 to 3 years after a patent is sealed to arrange for its commercial exploitation.

Since 15th August 1947 the following processes have been leased out to industry:

(1) Rubberless armoured hose pipes—premium Rs. 5,000 paid. Royalty 5 per cent.

(2) Improved method for expulsion of bhilawan shell liquid—Royalty -/8/- per gallon.

(3) Loud speaker and radio resistances.—Premium Rs. 10,000 payable in instalments of which Rs. 2,000 has been paid. Royalty 1 per cent.

(4) Gelatine from hides and skin.—Premium Rs. 11,000 payable in instalments of Rs. 1,000 the first instalment has already been paid. Royalty 1 per cent. for 3 years and 2½ per cent. for the next 7 years.

Negotiations for the lease of the following have been completed.

(5) Manufacture of Citric Acid.—Royalty 1 per cent. on sales.

(6) Manufacture of newsprint from bamboo.—Premium Rs. 25,000 paid.

(7) Manufacture of calcium gluconate.—Royalty 1 per cent. on sales.

Necessary steps to exploit other patents which have been sealed, including pilot plant experiments when necessary are being taken. Experimental production of stamp cancelling ink, duplicating ink and newsprint ink, have been started by the Council of Scientific and Industrial Research. Production of these three items upto 31st March, 1951, was valued at Rs. 1,03,313.

Prof. K. T. Shah: The arrangement about the royalty mentioned by the hon. Minister varied in different cases—in some it was on sales, in some it was on the quantity (per gallon), and in some it simply mentioned a percentage. May I know whether that percentage is on profits or on the total production?

Shri Sri Prakasa: As I have mentioned, in some cases the royalty is 1 per cent. on sales. I have given all the information that I have, Sir.

Prof. K. T. Shah: The royalty on sales has been separately mentioned, and that for quantity (like gallon) is separately mentioned. But in some cases the royalty is simply stated as a percentage. May I know if that percentage is on profits or on production?

Shri Sri Prakasa: I should not be sure, but if the hon. Member would like me to find out details I shall be glad to do so.

Prof. K. T. Shah: May I know whether the parties who are exploiting the patents already sealed are all Indians, or are there any non-Indians?

Shri Sri Prakasa: All the parties that I have so far mentioned are Indians.

Prof. K. T. Shah: I did not quite follow the answer to the second part of my question. May I enquire whether any technical help by way of technical personnel or equipment is obtained by Government for these parties?

Shri Sri Prakasa: After we make these experiments and find that the experiments can be used by industry, we approach industry. It is not that we invite their experts to us.

Prof. K. T. Shah: The point is if any experts are needed from outside, do Government help to obtain those experts for them.

Shri Sri Prakasa: That is so, Sir.

Prof. K. T. Shah: If so, what are the terms on which these experts are invited, whether they are engaged on a definite term contract or under the general rules of service of Government and whether they are required to train Indians for the job afterwards?

Shri Sri Prakasa: That will depend on each individual case, Sir, and I personally am very keen that when we get foreign experts we should get them to train our own men who should take charge of the work after the experts have gone.

Prof. K. T. Shah: Do I understand that there are no general terms of the contracts for experts from outside?

Shri Sri Prakasa: So far as I know, no, Sir.

Shri Hussain Imam: In view of the fact that the Government itself is a great consumer of printer's ink, do the Government propose to lease out this thing to the Government itself?

Shri Sri Prakasa: I do not quite follow the Government leasing out anything to the Government itself. But it is a fact that we are using most of the inks we produce in our Postal and Telegraphs Departments.

Shri Raj Bahadur: May I know whether the experts or scientists responsible for inventing these patents have been given any reward or any part of the royalty as reward?

Shri Sri Prakasa: I should not be able to answer that question straightway.

COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH

*3242. **Prof. K. T. Shah:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether the work of the Council of Scientific and Industrial Research has ever been scrutinised by independent experts, not connected with the Council;

(b) if so, whether Government propose to lay on the Table of the House the reports of such review, enquiry or scrutiny; and

(c) whether any Reports on the annual working of the Council have been published for the general public?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) Yes, Sir.

(b) A copy of the report of the Reviewing Committee has been placed in the library of the House.

(c) The Council of Scientific and Industrial Research publish an annual technical report. A review by the Director, Scientific and Industrial Research on the work of the Council was published in January, 1948. Two pamphlets entitled "D.S.R." and "C.S.I.R." describing the work of the Council were published in April, 1949 and March, 1951. The hon. Shri R. R. Diwakar, Minister of State for Information and Broadcasting recently suggested that a short report on the working of Council of Scientific and Industrial Research and the National Laboratories should be brought out for the use of the public. This pamphlet will be brought out shortly.

Prof. K. T. Shah: In answer to part (a) I understood the hon. Minister to answer in the affirmative. May I enquire who are the independent experts who scrutinised the work of the Council?

Shri Sri Prakasa: Who is independent or who is not is a matter of opinion, Sir. But if the hon. Member will kindly go through the report of the Reviewing Committee on the work of the Council, a copy of which has been placed in the Library of the House, he will find all the information that he wants. I will give the names:

Sir Ardeshir Dalal, Chairman—he is independent, but unfortunately he is no more.

Sir J. C. Ghosh.

Sir Shri Ram.

Mr. G. D. Birla.

Sir K. S. Krishnan.

Dr. H. J. Bhabha.

Prof Birbal Sahani—he also unfortunately is no more.

Sir S. S. Bhatnagar—he is the only person who is in our service, and from all I know of him he is very independent, Sir.

Prof. K. T. Shah: Was not also Sir J. C. Ghosh in the government service?

Shri Sri Prakasa: Unfortunately I do not know the long list of persons who have served Government or are serving still.

Prof. K. T. Shah: Was he not the Director-General of Supply?

Mr. Speaker: Let us not go into it and let him just ask for information.

Shri Kamath: In what particular field is Mr. Birla regarded as an independent expert?

Shri Sri. Prakasa: I believe his field is industry.

EXPORT DUTY ON RAW COTTON

*3243. Shri Kishorimohan Tripathi: (a) Will the Minister of Finance be pleased to state the additional revenue as a result of enhancing export duty on raw cotton and jute during the period November, 1950 to March, 1951?

(b) Is it a fact that, even after the imposition of enhanced duties, a very high margin of profit is left to exporters?

The Minister of Finance (Shri C. D. Deshmukh): (a) Presumably the reference to jute is to jute manufactures only since during this period there has not been any increase in the rate of export duty on raw jute. Additional revenue collected on the articles is:

Raw Cotton Rs. 1,31,67,703.

Jute goods Rs. 8,97,64,965.

(b) Even after the imposition of enhanced duties, there was a difference in the U.S.A. between the landed cost of Hessian at controlled rates and the price quoted for the quantities available in the "Spot and Afloat" market. Precise information is not available as to what portion, if any, of this difference was earned by the exporters.

Shri Kishorimohan Tripathi: May I know what was the actual control price for jute goods and the c.i.f. price nearest port in America and the price that actually ruled in American markets?

Shri C. D. Deshmukh: At what period?

Shri Kishorimohan Tripathi: During the period I am referring to, that is November 1950 to March 1951.

Shri C. D. Deshmukh: I think the control price was somewhere round 16 dollars. The market price has varied in that period. On the 8th January 1949 it was 18-25, spot price. On the 4th January 1950 it was 19-15. On the 3rd October 1950 it was 29-50. It went as high as 35 dollars on 30th January 1951. There are various quotations for various months.

Shri Kishorimohan Tripathi: What was the value of the average monthly export of jute goods during this period, November 1950 to March 1951?

Shri C. D. Deshmukh: I must have notice of that question.

Shri A. C. Guha: May I know the difference between the landing cost of 100 yds. of hessian and this spot market price, and the average monthly export?

Shri C. D. Deshmukh: I can give the difference between the landed cost and the spot price week by week from 8th January 1949 to 14th February 1951. I do not know which period this information is wanted for.

Shri A. C. Guha: That statement may be laid on the Table.

Mr. Speaker: Order, order. Now the Question-hour is over.

WRITTEN ANSWERS TO QUESTIONS

GRANTS TO UNIVERSITIES

*3244. Col. B. H. Zaidi: (a) Will the Minister of Education be pleased to state what percentage of the total expenditure of the Universities of Delhi, Banaras and Aligarh was met by the Government of India in 1948-49 and 1949-50?

(b) Have the permanent grants to the Universities of Banaras and Aligarh been increased in the last fifteen years, if so, during which years and to what extent?

The Minister of Education (Maulana Azad): (a) A statement is laid on the Table of the House. [See Appendix XXII, annexure No. 20.]

(b) The total grants to the Banaras and Aligarh Universities for recurring items of expenditure have gone up from Rs. 3 lakhs each in 1935-36 to Rs. 19-49 lakhs and Rs. 13-03 lakhs in 1950-51 respectively.

UNIVERSITY GRANTS COMMITTEE

*3245. Col. B. H. Zaidi: (a) Will the Minister of Education be pleased to state when the University Grants Committee was appointed?

(b) Who are its members at present?

(c) How many meetings of the Committee were held in 1949 and 1950?

(d) How many references have been made during the years 1949-50 and 1950-51 by Government to this Committee in connection with grants to the Universities?

(e) What were the amounts placed at the disposal of this Committee for disbursement to the Universities during this period?

The Minister of Education (Maulana

Asad): (a) The University Grants Committee was constituted in June, 1945.

(b) The members of the University Grants Committee as reconstituted in December 1947 were—

- (1) Dr. M. R. Jayakar—Chairman.
- (2) Mrs. Hansa Mehta—Member.
- (3) Dr. S. S. Bhatnagar—Member.
- (4) Dr. M. N. Saha—Member.
- (5) Mr. Homi Modi—Member.
- (6) Dr. P. Subbarayan—Member.
- (7) Dr. Zakir Husain—Member.
- (8) Mr. K. Zacharia—Member.
- (9) Dr. B. C. Roy—Member.

In view of the fact that out of nine members three became Vice-Chancellors, one Governor of a State, one Ambassador, one Chief Minister of a State, it was not possible to keep the Committee functioning without re-organising it. It was, however, felt that since for financial stringency the Committee is confining its scope of work to the three Central Universities alone, its functioning within this limited field will not be of much use to the Ministry, as the Ministry itself can cope with this work.

(c) No meeting of the Committee was held in 1949 and 1950.

(d) Does not arise.

(e) The University Grants Committee was appointed in a consultative and advisory capacity. Their recommendations were submitted to the Government of India for final decision. No amount was placed at the disposal of the Committee for disbursement to the Universities.

THORIUM LOCATING PLANT

*3246. Shri Ramaswamy Naidu: Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether there is a Thorium Locating Plant in the National Physical Laboratories at Delhi;

(b) whether Thorium has been located with the aid of the plant;

(c) what is the nature and quantity of Thorium so far located; and

(d) whether Government have got a monopoly in the materials containing Thorium?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) Minerals containing Thorium are located by a special electrical instrument. The Rare Minerals Survey Unit of the Atomic Energy Commission is housed at present in the National Physical Laboratory of India, Delhi. This Unit uses such portable radiation meters when prospecting for radio-active minerals, including monazite, the radio-active content of which is predominantly thorium.

(b) The presence of thorium has been known to the Geological Survey of India since 1906, long before such instruments were devised.

(c) The quantity of thorium ore (i.e. mineral monazite) is large and runs into several hundred thousands tons. Its quality also is satisfactory.

(d) Yes, Sir. Thorium and minerals containing it are "prescribed" substances under the Atomic Energy Act, 1948, and its mining and export is controlled by Government.

HISTORICAL SITE FOR BHADOI

*3247. Shri S. N. Das: (a) Will the Minister of Education be pleased to state whether it is a fact that a historical site of great importance has been discovered at Bhadoi, a village 16 miles from Lucknow?

(b) If so, what are the possibilities and potentialities indicated by surface finds?

The Minister of Education (Maulana Asad): (a) and (b). The Government of India, at present, have no authentic information on the subject. An officer of the Department of Archaeology has been directed to visit the site and submit a report. The report, as soon as available, will be placed on the Table of the House.

MEETINGS BETWEEN GOVERNMENTS AND PRESS ASSOCIATION

*3248. Shri Jagannath Das: (a) Will the Minister of Information and Broadcasting be pleased to state how many meetings were held between Government and the Press Association, New Delhi in the years 1948, 1949 and 1950?

(b) How many meetings were held between foreign correspondents Association and Government during these years?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) and (b). A statement is placed on the Table of the House.

STATEMENT

Year.	No. of meetings held between Govt. and the Press Association.	No. of meetings held between Govt. and the Foreign Correspondents' Association.
1948	8	1
1949	13	8
1950	5	3

INDO-PAKISTAN PRESS CONSULTATIVE COMMITTEE

***3249. Shri Jagannath Das:** Will the Minister of Information and Broadcasting be pleased to state the expenditure incurred by Government on the Indo-Pakistan Press Consultative Committee in the years 1949 and 1950 and how many meetings of this Committee were held during these years?

The Minister of State for Information and Broadcasting (Shri Diwakar): The hon. Member presumably refers to the Indo-Pakistan Information Consultative Committee.

A statement showing the expenditure incurred and the number of meetings held is laid on the Table of the House.

STATEMENT

Year.	No. of meetings of the Indo-Pakistan Information Consultative Committee held.	Expenditure incurred by the Government of India.
1949	2	Rs. 4,237-13-0
1950	8	Rs. 11,048-3-0

STAFF ATTACHED TO MINISTERS

***3250. Shri Raj Kanwar:** Will the Minister of Home Affairs be pleased to state Ministry-wise the number of Private-Secretaries, Personal Assistants, Stenographers, Jamadars, and peons attached to each Minister, Deputy Minister, Secretary and Additional or Joint Secretary?

38 P.S.D.

The Minister of Home Affairs (Shri Rajagopalachari): I lay a statement on the Table of the House. [See Appendix XXII, annexure No. 21.]

FINANCIAL RULES

***3251. Shri Raj Kanwar:** Will the Minister of Finance be pleased to state:

(a) how far the work of re-codifying Financial Rules and Regulations relating to conditions of service has progressed; and

(b) the probable period during which this work is likely to be completed?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). A considerable extent of preliminary work relating to the re-codification of the Financial Rules and Regulations has been completed. Further, draft rules relating to pay and compensatory allowances have been prepared and are being considered at Inter-Departmental level. The work to be undertaken covers not only reviewing the existing Rules and Regulations and adapting them to conditions under the new Constitution, but also recasting them in an easily intelligible form. Until the work has progressed further, it is difficult to estimate the probable period during which it is likely to be completed, but a close watch is being maintained to ensure that the work is completed as soon as possible.

REPRESENTATIVES OF U.N.E.S.C.O. (EXPENDITURE)

***3252. Shri Rathnaswamy:** Will the Minister of Education be pleased to state the expenditure incurred by Government in providing various facilities to the experts or representatives of the U.N.E.S.C.O. in India for the last three years?

The Minister of Education (Maulana Azad): No expenditure is incurred on officials of U.N.E.S.C.O. who visit India except when specifically invited by Government. The Government, however, provides certain facilities to experts who have been sent by U.N.E.S.C.O. at our request. A detailed statement showing expenditure incurred so far is placed on the Table of the House. [See Appendix XXII, annexure No. 22.]

संचाल परगना के पहाड़ी जाति के व्यक्ति

*३२५३. श्री श्रोत्रच : (ए) गृह कार्य मंत्री यह बतलाने की कृपा करेंगे कि बिहार के संचाल परगना की पहाड़ियों में रहने वाली हल पहाड़ियां तथा शौरिया पहाड़ी जातियों

सहित तथा कथित पहाड़ी जातियों की पूर्ण जन संख्या क्या है ?

(बी) शिक्षा के सम्बन्ध में उस पहाड़ी जाति की दशा कैसी है तथा उनकी आर्थिक अवस्था क्या है ?

(सी) क्या सरकार ने इन पहाड़ी जातियों की उन्नति के निमित्त कोई विशेष प्रवन्ध किये हैं ?

HILL TRIBE PEOPLE OF SANTAL PARGANA

[*3253. Shri Oraon: (a) Will the Minister of Home Affairs be pleased to state what is the total population of the so called hill tribe people including the Haipaharia and Shauria Paharia Tribes inhabiting the hills of Santal Pargana of Bihar?

(b) What is the state of that hill tribe in the matter of education and how do they fare financially?

(c) Have Government made any special arrangements in regard to the progress of these hill tribes?]

The Minister of Home Affairs (Shri Rajagopalachari): (a) The question is indefinite about the delimitation of the area, specification of the communities, as well as the point of time for which information is required. It is, therefore, not possible to furnish any accurate information. However, the population of communities recorded as tribes in the Santal Pargana district of Bihar in the 1941 Census was 11,29,885. The figures for Scheduled Tribes in that district for the 1951 Census will be available only after the tabulation is complete which will take some months.

(b) and (c). The welfare work for the Scheduled Castes and Scheduled Tribes is the direct responsibility of the State Government which I presume is doing all it can and will continue to do in accordance with our well defined policy in that respect.

जोगेश्वरी गुफा

*३२५४. श्री खापडे : (ए) कितना मंत्री यह बतलाने की कृपा करेंगे कि क्या जोगेश्वरी गुफा के नष्ट अष्ट भगों की मरम्मत की जा रही है ?

(बी) क्या सरकार उन अन्य गुफाओं की भी, जो कि बम्बई से ४० मील दूर स्थित हैं तथा जिन के सम्बन्ध में यह प्रसिद्ध है कि पांडवों ने अपना अज्ञातवास काल वहीं बिताया था, मरम्मत करने की कोई प्रस्थापना कर रही है ?

JOGESHWARI CAVE

[*3254. Shri Khaparde: (a) Will the Minister of Education be pleased to state whether the dilapidated portions of the Jogeshwari cave are being repaired?

(b) Do Government also propose repairing the other caves that are situated at a distance of 40 miles from Bombay, which are popularly known to have been used by the Pandavas for refugee incognito.

The Minister of Education (Maulana Azad): (a) Yes, Sir.

(b) Repair to the Pandulena caves at Nasik which are at a distance of 40 miles from Bombay and believed to have been used by Pandavas, has been undertaken.

महाराष्ट्र क स्मारक

*३२५५. श्री खापडे : (ए) क्या शिक्षा मंत्री यह बतलाने की कृपा करेंगे कि महाराष्ट्र में जोगेश्वरी गुफा जैसे पुराने स्मारकों की संख्या क्या है ?

(बी) बालकेश्वर पहाड़ी पर स्थित अन्य विविध ऐतिहासिक स्थानों के नाम क्या हैं ?

MONUMENTS IN MAHARASHTRA

[*3255. Shri Khaparde: (a) Will the Minister of Education be pleased to state what is the number of such old monuments in Maharashtra as Jogeshwari cave?

(b) What are the names of the several other historical sites on Balkeshwar Hill?]

The Minister of Education (Maulana Azad): (a) There are about 10 caves in Maharashtra proper which may be considered of the same period as the Jogeshwari cave.

(b) Besides the present Balkeshwar temple which marks the site of the ancient temple, there is no other place

on Balkeshwar Hill which may be considered of real historical interest.

ASSETS OF INDIA AND INDO-CHINA

*3256. { **Shri Nadimuthu Pillai:**
Shri Bharati:
Shri R. Subramanian:

(a) Will the Minister of Finance be pleased to state whether it is a fact that there was a blockade of remittance from Indo-China to India and vice versa and the assets of both the countries were frozen?

(b) Is it a fact that when the Debt settlement was concluded, the income tax assessment for Indo-China Indian assesses was based on the exchange rate prior to 1949 illegally, while there was no remittance at all on account of the blockade then existed?

(c) Is it a fact that there are number of representations made to Government in this behalf and if so, what action has been taken so far?

(d) In view of the fact that even though there is no remittance now, the Income Tax officers are assessing incomes prior to 1949 taking the unauthorised exchange rate, do Government propose to instruct the Income Tax Officers to assess incomes at exchange rates prevalent during the debt settlement?

The Minister of Finance (Shri C. D. Deshmukh): (a) Certain Indo-China assets were and continue to be, vested in the Custodian of Enemy Property in India; they will be released in due course. As regards Indian owned assets in Indo-China I understand that they were not frozen by the Indo-China Government.

(b) Persons ordinarily resident in India having sources of income in Indo-China are liable to be assessed in India on such income on accrual basis irrespective of whether the income is received in India or not. For this purpose, the income earned in foreign currency has necessarily to be converted into Indian currency. As the value of Indo-China currency at the end of the war was less than the value at the commencement of the war and as there was no exchange rate during the war, instructions were issued that the exchange rate at the end of the war should be adopted for the purpose of converting Indo-China income.

Where the foreign income of a resident is assessed in India on accrual basis, and it cannot be brought into India owing to restrictions on remittances, the recovery of the tax assessed on such income is held in abeyance under the proviso to section 45 of the Indian Income-tax Act.

(c) Yes. There were some representations and a copy of the instructions

issued in the matter was laid on the Table of the House on 13th February 1950 in answering starred question No. 225.

(d) The matter is under consideration.

GOODS SEIZED AT INDO-PAKISTAN BORDER

*3257. **Shri Sohan Lal:** (a) Will the Minister of Finance be pleased to state the value of goods which have been seized by the Land Customs Officials while being smuggled on the East and West Indo-Pakistan borders from 1st January till 31st March 1951?

(b) What were the principal seizures?

(c) Were there any convictions in this connection?

The Minister of Finance (Shri C. D. Deshmukh): The information is being collected and will be placed before the House in due course.

PAY AND ALLOWANCES IN ARMY

*3258. **Dr. Deshmukh:** (a) Will the Minister of Defence be pleased to state whether there was any revision of scales of pay and other allowances in the Army after 1st January 1949?

(b) What were the ranks and categories whose emoluments were revised and in what way?

The Deputy Minister of Defence (Major-General Himatsinghji): (a) and (b). There has been no revision of scales of pay and allowances in the Armed Forces after 1st January, 1949. The following concessions have, however, been sanctioned temporarily, with effect from the 1st July 1950, to officers of the Armed Forces on the New Pay Code of and below the rank of Brigadier (and equivalent ranks in the Navy and Air Force):

(i) Kit maintenance allowance of Rs. 30 per month.

(ii) Special Disturbance allowance of Rs. 30 per month.

(iii) Reduction in rent charges from 10 per cent. to 5 per cent. of pay for married officers and to 2½ per cent. of pay for single officers.

(iv) Reduction in water and electricity charges from annas 10 per 1000 gallons and annas 4 per unit to annas five per 1000 gallons and annas 2 per unit respectively.

EXPLOITATION OF NATURAL RESOURCES

*3259. **Dr. Deshmukh:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state

whether there is any plan for exploitation of natural resources prepared by Government recently?

(b) If so, will Government be pleased to place a copy of the same on the Table of the House?

(c) Is there any scheme to help State Governments in expediting proposals for exploitation?

(d) What is the amount set apart for this purpose?

(e) If not, is there any proposal to help such proposals?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) to (e). Presumably by the term 'Natural Resources', the hon. Member is referring to mineral resources. The position in regard to this is that mineral properties vest in the State Governments except in a few cases where they belong to private parties. The development of mineral resources is the concern of the State Governments and State Governments generally lease their mineral properties to private firms and individuals for exploitation. The Central Government have only laid down the Mineral Concession Rules 1949 under Section 5 of the Mines and Minerals (Regulation and Development) Act LIII of 1948 to regulate the grant of mineral concessions by State Governments on a uniform basis. The Central Government give facilities in the shape of release of steel, cement, coal, explosives and wagons and the services of officers of the Geological Survey of India, and the Indian Bureau of Mines whenever the industry asks for it. Facilities are also given for bringing in foreign technical experts required by industry.

Plans for the expansion of the Geological Survey of India and the Indian Bureau of Mines are under consideration and these are at present with the Planning Commission.

DEPUTATIONISTS IN CENTRAL SECRETARIAT

***3260. Dr. Deshmukh:** (a) Will the Minister of Home Affairs be pleased to state the number of deputationists who are still working in the Central Secretariat?

(b) How many deputationists were added since 1st January 1949 and how many have been sent back?

(c) Is it proposed to send the deputationists before retrenching any person in the Central Secretariat on grounds of economy?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). The required information is being collected and will be laid on the Table of the House as soon as full details are ready.

(c) No. Whenever retrenchment on the grounds of economy becomes necessary in any office, the general principle followed is to weed out the least efficient in the order of seniority. In the application of this principle to persons temporarily employed in any particular grade, no distinction is made between those who have been brought in on deputation from other offices and those who have been recruited direct.

FESTIVAL OF DRAMA OF A.I.R.

***3261. Shri B. K. Pani:** (a) Will the Minister of Information and Broadcasting be pleased to state what expenditure was incurred during the year 1950 and will be incurred during 1951 for the Festival of Drama of A.I.R.?

(b) Do Government propose to hold such Festival in different Indian languages, if so, when and if not, why not?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) On the drama festival arranged by Delhi Station of All India Radio an expenditure of Rs. 3,126 was incurred in 1950. An expenditure of Rs. 1,729 has so far been incurred in 1951; it is too early to say at this stage what expenditure will be incurred during the rest of the year.

(b) Even now dramas in different languages including translations are being broadcast by the various stations.

REQUISITIONING OF LANDS

***3262. Shri B. K. Pani:** Will the Minister of Defence be pleased to state:

(a) whether cultivable lands in many acres in monzas Kapaleswar, Agrahat, Banipada and some other Monzas in Charbatia Aerodrome (Cuttack district, Orissa) which have been requisitioned in 1943 under Defence of India Rules are lying unutilised;

(b) the acreage fit for cultivation of these lands;

(c) whether Government have received any representation to this effect and if so, the steps taken thereon; and

(d) whether, in view of the fact that the Orissa Battalion have been disbanded since 1947 and these fertile cultivable lands are unutilised, Government propose to de-requisition these lands and if so, when?

The Deputy Minister of Defence (Major-General Himatsinghji): (a) No.

(b) This information is not available. Enquiries have been made from local authorities.

(c) No.

(d) No. The accommodation is required for the future use of the Defence Services.

MINISTERIAL SERVICE (ASSISTANTS GRADE) EXAMINATION, 1950

*3263. **Shri Dwivedi:** Will the Minister of Home Affairs be pleased to state how many candidates who qualified in the Ministerial Service (Assistants Grade) Examination held by the Union Public Service Commission in June, 1950 are to be confirmed in their posts?

The Minister of Home Affairs (Shri Rajagopalachari): The exact number cannot be given at present as the future strength of Assistants in the Secretariat has not yet been decided. Subject to the usual reservations for Scheduled Castes and Tribes, available vacancies will be allocated between the Non-Test and the Test categories in the proportion of the available numbers in each category. Out of the vacancies for the Test category two thirds will be filled on the results of the First Test held in 1950 and one third on the results of the Second Test to be held this year.

FINANCIAL ADVISER TO DAMODAR VALLEY CORPORATION

*3264. **Shri Kamath:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether any change in the status and functions of the Financial Adviser to the Damodar Valley Corporation is under the consideration of Government and if so, on what lines; and

(b) whether any amendments to the D.V.C. Act are being considered with a view to bringing the Corporation under the effective control of Government?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) and (b). The attention of the hon. Member is invited to the reply given on 19th March, 1951 to starred question No. 2332, asked by Shri B. R. Bhagat. The whole question of the financial set up of the D.V.C. is under the active consideration of Government but it is premature to say on what lines action will be taken or whether any amendments to the D.V.C. Act will be necessary.

COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH (APPOINTMENTS)

219. **Prof. K. T. Shah** (a) Will the Minister of Natural Resources and Scientific Research be pleased to inform the House as to what is the procedure for making appointments to the superior staff under the Council of Scientific and Industrial Research as well as in any of the National laboratories started since 1947-48?

(b) Have applications or appointments to such posts been invited by public advertisement, and, if so, does the Public Service Commission or any similar Body deal with such applications and make recommendations?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) and (b). The procedure followed is that all appointments to scientific and administrative posts in the Council of Scientific and Industrial Research and the National Laboratories are advertised and appointments made on the recommendations of Expert Selection Committees constituted by the Council; and the Minister-in-Charge is the Chairman of the Committees for higher posts.

FOOD SUBSIDIES (EXPENDITURE)

220. **Shri Kishorimohan Tripathi:** Will the Minister of Finance be pleased to state the total amount of expenditure as met from Central revenues for the food subsidies as from 15th August 1947?

The Minister of Finance (Shri C. D. Deshmukh): The total amount of expenditure met from Central Revenues on Food Subsidies from 15th August 1947 to January 1951 amounted to Rs. 63,39,38,037/3/4.

HINDUSTAN AIRCRAFT LTD.

221. **Shri S. C. Samanta:** Will the Minister of Defence be pleased to state:

(a) the number of all-metal double and single decker bus bodies built by the Hindustan Aircraft, Limited for West Bengal, Delhi and Bombay Transport Authorities separately in the years 1949 and 1950;

(b) how many of them were built from imported materials;

(c) the value of each of the double and single decker bus bodies; and

(d) the durability of those buses in comparison with the imported ones?

The Deputy Minister of Defence (Major-General Himatsinghji): (a) No bus bodies were built by Hindustan Aircraft Limited during 1949-50. In

1950-51 ten double deckers were built for West Bengal, one single decker for Delhi and twenty-eight single deckers for Bombay.

(b) Ten double deckers for West Bengal were built from imported materials.

(c) (i) The approximate cost of a double decker body (excluding chassis) built from imported materials is Rs. 30,000.

(ii) The approximate cost of single decker body (excluding chassis) built from indigenous materials is Rs. 10,000.

(d) H.A.L. kits of parts are constructed out of special high tensile steel sections. Their durability should, therefore, compare favourably with that of the imported ones.

IMPROVEMENT TRUST ENQUIRY
COMMITTEE

322. Shri S. C. Samanta: Will the Minister of Health be pleased to state:

(a) whether the Improvement Trust Enquiry Committee has record-

ed its findings and, if so, whether the report has been submitted to Government;

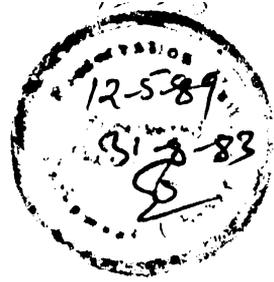
(b) if the answer to part (a) above be in the negative, when Government expect the report to be submitted to them and when the final decision of Government will be announced for general information; and

(c) whether it is a fact that, pending the final decision of Government on this report, permission for developing and constructing houses on lands purchased by Co-operative House-building Societies has been withheld?

The Minister of Health (Rajkumari Amrit Kaur): (a) and (b). The report of the Delhi Improvement Trust Enquiry Committee has been received by Government and the recommendations contained therein will be considered as soon as possible.

(c). No.

Wednesday, 18th April, 1951



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME X, 1951

(31st March, 1951 to 20th April, 1951)

Third Session
of the
PARLIAMENT OF INDIA

1950-51

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PARLIAMENT OF INDIA

Wednesday, 18th April, 1951.

—

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

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

—

11.45 A.M.

**COAL MINES SAFETY (STOWING)
AMENDMENT BILL—concl'd.**

Mr. Speaker: The House will now proceed with the Legislative Business, further consideration of the following motion, moved yesterday, namely that the Bill further to amend the Coal Mines Safety (Stowing) Act, 1939, be taken into consideration.

Shri A. C. Guha (West Bengal): Yesterday I was speaking about the composition of the Stowing Board. We have seen that the Chairman is Mr. Barraclough and he is also the Chief Mining Inspector. According to the Act, the Chairman is entitled to get his salary. I think the two previous incumbents were getting something like Rs. 2,000 or Rs. 3,000 per month and as Chief Mining Inspector also, Mr. Barraclough must be entitled to get some salary. I do not know what salary he is now drawing, whether he is drawing the salary of the Chief Mining Inspector or the salary of the Chairman or he is drawing the salary of both the posts. This Board is composed of a Chairman who is in the service of the Crown and nominated by the Government and the Chief Mining Inspector is an *ex officio* Member of

the Board. Fortunately the two men are the same, so that there is one member less. Of the other 4 members, two are nominees of the Indian Mining Association, one is a nominee of the Indian Mining Federation and the third is the nominee of the Indian Coal Mine's Association. So this body is entirely composed of persons who are interested in running these coal mines.

We see that in last year the revenue collected under this Act was something like Rs. 40 lakhs and this Fund has accumulated a balance of over Rs. 1 crore and as interest on that amount, the fund has got a little over Rs. 1 lakh. So in all, for the year 1948-49 the total revenue was about Rs. 41 lakhs but the expenditure has been Rs. 63 lakhs. When we analyse this expenditure, we see that out of this Rs. 63 lakhs, Rs. 47 lakhs was spent by the collieries themselves under the scheme known as 'voluntary stowing'. This stowing is done by the collieries and they send their bills and the Board make the payment. We find from one year's figures that about 76 lakh tons of sand was to be stowed but actually these collieries stowed only 38 lakh tons of sand, or exactly 50 per cent. of the sand was stowed. I do not know whether the payment has been proportionately reduced or the payment was the same whether they stowed 76 lakh tons or 38 lakh tons of sand. If we look at the account given here, we find that out of this 47 lakh tons of stowing work done by these collieries most of the work was done by three contractors. Anybody scrutinizing these accounts will easily have the suspicion that these three firms are one and the same firm masquerading in three different names, that the whole thing is something like a family affair and that there are informal arrangements between the contractor and the colliery owners and the Board.

[Shri A. C. Guha]

Yesterday I said that according to the powers invested with the Government by certain legislation passed by this House, it collects near about Rs. 40 lakhs and then hands over this money to this Board; stowing works costing only about Rs. 4,000 or something like that was done by this Board and the remaining and the major portion of stowing work, costing Rs. 47 lakhs was done by the collieries themselves and that most of this work was done by the three firms, which are perhaps really one firm. This is a point which I would like the House and the hon. Minister to consider seriously.

According to the Act there is a body called the Inquiry Committee. In the report we find that there are two other bodies. One is called the Standing Advisory Committee and the other is the Research Advisory Committee. The Research Committee is composed of the Chairman of the Board and the Chief Inspector of Mines. Both these two persons are the same and his name is Mr. N. Barraclough. The third Member is Mr. L. J. Barraclough and the fourth Member is Mr. S. K. Bose. Out of three Members at present constituting this Research Advisory Board, one is Mr. N. Barraclough, the second is Mr. L. J. Barraclough and the third is Mr. Bose. So here also you find the same persons figuring and they practically form this Research Advisory Committee. Then there is another committee called the Standing Advisory Committee. Of course, the personnel of the Committee is quite different. I do not know what functions this Committee has to do. I do not find any mention of these two committees in the Act or even in the rules framed according to the provisions of the Act. How these two committees have been formed and what are the functions are matters which are for the House to enquire into and I hope the hon. Minister will give us some idea about this. The Inquiry Committee is an important Committee. The Chairman, of course is there and he will nominate certain other members, and 2 from the panel of names supplied to him by the Indian Mining Association and one from the panel of names supplied by the Indian Mining Federation and a fourth from the Indian Coal Mine Owners' Association. Lastly there is another Member to be nominated by the Government to represent the persons employed in the coal mines, perhaps to look after the interests of the workers there. This Inquiry Committee is also a Committee which

is practically dominated and which is run by the Members of the three Coal Mining Associations, i.e., the coal mine owners' interests. These are things which I would like to put before the House and before the Government to consider before they can ask this House to raise this excise duty from 3 annas to 9 annas. I think this point should be cleared.

Then, there is another important functionary, according to the Act, the Chief Inspector of Mines. He has to report to the Government, and he is also the Chairman of the Board. He is also the dominating factor in the Research Committee and in the Inquiry Committee. These are things which are intriguing and the House is justified in enquiring into the working of this Board rather minutely. There is already provision in the Act that the Government can use a portion of the fund for research work. We find only Rs. 50,000 have been spent in 1949-50 for research work. No idea has been given in the report as to what research was done, how it was done, whether it was done by the Board itself or it was done through some other scientific research association or by the Mining Federation or Association, whatever it may be. How this research work is carried is another point which the Government should enquire into.

There is another point regarding compulsory stowing. As I have already stated, last year, this work was done only for Rs. 4,000. From the report we find that out of the four collieries which were asked to do compulsory stowing from 1941 to 1950, only one colliery has been pleased to oblige the Government by carrying out the orders of the Board and the other three have not taken any action. The expenditure on voluntary stowing is about 47 lakhs. I feel, that there is enough scope for economy in this Board. I know sand stowing is an important item of work in a colliery. It is intended not only for the safety of the workers, but also for the preservation of coal. As we are situated, we should take every step that is possible within our resources to conserve our coal resources, particularly metallurgical coal. But, what I wish to stress is that before sanctioning any increase in the excise duty, the House should be satisfied that every pie that is raised will be properly utilised. There is enough scope for economy. We should see that the work of the Board is being done properly. It should not be allowed to continue as something like a family affair.

Before concluding, I would like again to refer to the composition of this Board. Mr. L. J. Barraclough must be related somehow to the Chairman and the Chief Mining Inspector Mr. N. Barraclough and he must have been a nominee.....

Mr. Speaker: Order, order I think it is hardly fair to the persons named to proceed on assumptions and inferences and to mention names. Whatever the relationship may be, the insinuation goes a little further that they must be influencing each other in their decisions. Unless there is positive evidence, it is not proper to go into the names and carry on inferences in this way, more particularly, when the gentlemen are not present here. In doing so, we are not adducing any argument, but the House lowers itself in the eyes of the public.

Shri A. C. Guha: I did not like to suggest that there has been any collusion. My point is that he must be a representative of one of three, Mining Association, or Mining Federation or Coal Mine Owners' Association. These very names suggest.....

Mr. Speaker: He need not pursue the thing; he may go to other arguments.

12 Noon

Shri A. C. Guha: I would like the hon. Minister to enlighten the House on these points before asking the House to increase the excise duty. There are two or three other cesses raised from coal for different purposes. Only the other day, the Labour Minister was admitting in the House that the Fund raised for paying bonus to the employees was not being properly used by the coal mine owners. I presume that the cess in that case is about Rs. 3-8-0 per ton. Then, there is the Coal Mines Welfare Fund. There is also another cess of, I think, three annas or four annas. I have my own doubts and misgivings about the handling of that Fund also. Before making any increase in the cess, I would like the Government to enlighten the House on these points and see that this Board is properly constituted, that its work is properly done and that there is no squandering of money in any way.

Shri B. K. P. Sinha (Bihar): This is a very short Bill, with a small purpose; to substitute two words for two other words; dealing with small sums of three annas and nine annas. But, this Bill is rather important and raises certain important questions.

When I first saw this Bill, I was rather enthusiastic. I was under the impression that after long years of wandering, Government were at last coming to realise that there must be stowing not only for safety purposes, but also for the purpose of conservation of coal. But, in view of the amendments that have been tabled, of which the Mover had prior notice, he made what appeared to me, rather a week and apologetic statement. He said that the maximum proposed would not be imposed all at once. That threw cold water on all my hopes that the Government were at last progressing towards the conception of stowing for conservation purposes also. It is not a secret that our coal resources, especially of high grade coal, are very limited. The Indian Coal Mining Committee of 1937, as well as the Indian Coal Fields Committee of 1946, were both of the opinion that our resources are limited. Similar has been the opinion of other experts who have gone into the question. In view of these facts, both these committees have recommended that the Government should levy a rather liberal excise duty and at once take to stowing for purpose of conservation. Government, no doubt, propose to raise the duty from three annas to nine annas; but the point is whether the revenue derived from this increased duty would be sufficient for the purpose that we have in mind. It is my submission that it would not be sufficient. The Indian Coal Fields Committee of 1946, in view of the fact that they wanted the Government to adopt this policy, recommended a higher rate of duty, a duty of Rs. 1-2-0 per ton on ordinary coal and Rs. 1-10-0 per ton on high grade coke. But, the duty here proposed falls short of that by at least 50 per cent. I have therefore grave doubts whether Government would be adopting the policy of stowing for conservation. And I would urge upon the Government to consider whether it is not very necessary and desirable that we should have that aim and that goal before us. Even if they are not prepared to go beyond the rate of 9 as., at least let them make it a point to see that the full duty is imposed and the money realised should be utilised not only for the purpose of stowing with a view to safety, but also for the purposes of conservation of the coal. I have examined the Act and I can say that there is nothing to prevent the Government from pursuing this air, even with the Act as it is. For this purpose it is not necessary to bring about any change in the present Act. Therefore my first submission is that the Government

[Shri B. K. P. Sinha]

should raise the duties to the maximum and utilise the money primarily for safety stowing and also for the purpose of conservation. Of course, it does not make much difference whether you stow for safety or for conservation because stowing for safety also increases the measure of conservation or acts as a measure of conservation. But the point is whether safety will be the overall consideration or whether conservation also will be kept in view as their aim and goal by the Government.

I find that the maximum duty proposed is not very high. The rates of assistance that the Stowing Board has been giving to the collieries have been rising during the last few years.

[SHRIMATI DURGABAI *in the Chair*]

In 1946-47, the rate of assistance was the actual cost of delivery of stowing material to pit-head, subject to a maximum of 6 as. per ton. In 1947-48, in view of the fact that it was not possible for the collieries to go ahead with their programme of stowing, because the assistance was not adequate, the Government raised it to the actual cost at pit-head, subject to a maximum of 9 as. per ton. In 1948-49 it was further raised to 75 per cent. of the total cost of stowing—surface as well as underground—subject to a maximum of Rs. 1-9-0 per ton if it is hydraulic stowing and 85 per cent. of the cost if it is hand-packing. So during these three years the rate of assistance has gone up by about four times and the duty is proposed to be raised only by three times. Therefore, I consider that the proposed rise is but fair, if you consider the rate of assistance given. With the funds at the disposal of the Government or that will be at the disposal of the Government, I think Government should try to remove the bottlenecks that hinder adequate stowing operations by the collieries. I have found that in many cases the supply of sand was not adequate. Or there was no machinery for the transport of the sand to the collieries and so the limited supply of sand available was sent for the execution of protective works; and therefore stowing in very many important mines was not adequate, thus exposing them to the risks of firing. Mines are subjected to the risk of firing and subsidence. And I know of one case—at New Suratand—where in 1948 there was fire as the necessary materials were not available in time and Government had to control the fire at great cost and thus save lot of valuable coal

from being sent up in smoke. Therefore I would request Government to be more energetic in the matter of making arrangements for stowing and the carriage of sand.

This brings me to the proposal that has been before the Government now for about thirteen years, I mean the proposal for the establishment of certain aerial rope-ways for the transport of sand from the Damodar and Adjai to the collieries. This proposal has been under discussion and consideration for thirteen years, and due to lack of funds it has not been possible for the Government to execute that project. I am extremely doubtful whether with the new rates of duties even, it would be possible for the Government to execute this project, for according to the Coalfields Committee the capital expenditure involved would be Rs. 8 crores. All the same, within the limited finance available to the Government, I would suggest that they should consider the expediting of this rope-way project.

The Mining Committee and the Coalfields Committee have recommended certain protective works for carrying out some of the schemes connected with the Jambad fields, the Kajora coalfields and a few others. It was estimated that at Kajora the work would involve a capital expenditure of Rs. 2.21 crores and a recurring cost of about Rs. 24 lakhs. And the Central Jharia scheme is under enquiry and we do not know what that will cost. There are three or four other schemes which are mentioned by the Indian Coalfields Committee. I think it is proper alike from the point of view of stowing and conservation that these schemes should be taken up as soon as possible and there should be less of red-tapism in dealing with these schemes. These schemes have been under consideration for a long time and I do not know whether Government have decided in what order they should be taken up. I find that in the case of the Jambad-Kajora Scheme in view of the large expenditure, the Stowing Board referred the matter to the Government and Government sanctioned the scheme. The Stowing Board asked for quotation for drawing up a detailed scheme and as the drawing up itself involved a considerable sum of money, the scheme was again referred to the Government. I feel that in such cases, the Stowing Board should be given greater freedom and latitude for dealing with the question on its own. When the scheme has been sanctioned once, it should be open to the Board to draw up the

detailed scheme and do the other preliminaries without further reference to the Government. The Board should have more money now than before and they should also have greater latitude in these matters. This red-tapism or what I consider this paralysing control of the Government on the activities of the Stowing Board should also go. They should be more free to undertake schemes and to execute them.

There are other bottle-necks discovered during the course of the operation of the Stowing Board. In spite of the assistance proposed to be given to the Stowing Board, they may not be able to do proper and adequate stowing because of lack of proper machinery which should have been erected at the collieries. The machinery for the transport of the sand is not available. It looks as if the Stowing Board is under the impression that it is their duty just to fix the list of priority of works and the amount that should go to the collieries as assistance. They should do more. They should have a more dynamic conception of their function. They should try to remove the bottle-necks and actively help in importing the necessary machinery required for the collieries as well as for other purposes. I have already referred to the question of the aerial rope-way and this matter should be expedited. Under the present arrangement only a limited quantity of sand could be made available and all that quantity has to go to more urgent works and works which by themselves are very important, though not as urgent as the others, are neglected. This bottle-neck has to be removed expeditiously: otherwise there is no use raising the duty, because it must be supplemented by other things. Sometimes it is not possible for the collieries to acquire sand rights from the *zamindars* in good time. Both the Coal-mines and Coalfields Committees expected that this matter should be left to negotiation between the collieries and the parties owning the sand rights and they thought that there would not be much difficulty in bargaining. The history of the matter shows clearly that delay in the acquisition of sand rights has delayed stowing. Government should therefore make a move in this matter. At one time there was a proposal that all sand rights should be acquired by the State. If Government are not prepared to go to that extent for the present, they should at least pass some legislation by which this arrangement would be facilitated or

they should actively participate in bringing about some agreement between the owners of sand rights and the collieries. So the Stowing Board and the Government should pursue a more dynamic, constructive and active policy.

Stowing for the coal industry is like preventive and protective medicine for the human body. We talk of the prosperity of industries but before they prosper they must exist. Stowing effectively ensures the existence of the coal industry.

I would like to draw the attention of the House and the Government to some connected matters. The scope of the amendment is limited but the passage of time and evolution of conditions have introduced certain anomalies in the parent Act and this occasion should have been taken by Government to remove them. Section 3(3) of the Act...

Mr. Chairman: The main purpose of the amending Bill is to increase the duty from 3 as. to 9 as. The discussion should be relevant to the object of the Bill.

Shri B. K. P. Sinha: That is why I said that I was raising a connected matter.

Mr. Chairman: It cannot be quite relevant to the object of the Bill. If other matters have a bearing certainly the hon. Member can speak.

Shri B. K. P. Sinha: There is of course something which has a bearing. Under the Act in exclusion to the excise duty there is a countervailing duty on coal which comes either from foreign countries or from Part B States. Part B States are now a part of the Indian Union, though formerly they were not part of British India, and therefore they were excluded. In view of the political change would it not be proper that this duty of nine annas is extended to all coal, whether extracted from collieries in what was formerly British India or from collieries in what is now called Part B States? According to the Act the coal extracted from Part B States is not subject to this duty. It has to pay a certain import duty when it comes to the territories of Part A and Part C States. At least in this respect an amendment is needed, so that this rate of duty would have covered all coal, whether extracted in Part A, Part B or Part C States.

I would refer to one criticism by my predecessor. He read out the names

[Shri B. K. P. Sinha]

of persons who constituted the Board. I have nothing to say about the personnel but I submit that the political changes in the country should be reflected in the constitution of the Board.

Pandit Munishwar Datt Upadhyay (Uttar Pradesh): It is a very small Bill and the only point for consideration is whether the duty should be raised from 3 as. to 9 as. or as certain amendments suggest, it should be raised from 3 as. to 6 as. Coal is a very important factor in the industrialisation of our country and as this raising of the duty is likely to increase the price of coal also, it is likely to affect the prices of so many other industrial products. Therefore we have to be very particular to see that the price of coal as far as possible is not increased to a great extent. In the light of that the proposal before the House, as an amending Bill, to raise the duty from 3 as. to 9 as. appears to be a bit high. I think the necessities of the situation can be met by increasing the duty from 3 as. to 6 as. only. The Minister said yesterday that at present they would charge a duty of only 6 as. but gradually they would increase it from 6 as. to 9 as. So for the present he also thinks that the increase from 3 as. to 6 as. would be quite enough. The quantity of coal production has been increasing gradually and there has been a considerable increase during the last year or two. The duties realised from the production of coal would be sufficiently high to meet the needs of the industry. As an hon. Member suggested if this increase were meant for the conservation of coal there would have been much use but as it appears from the report and also from the Minister's speech yesterday, this increase is meant mainly for safety purposes. It is not so much for conservation of coal in the mines. Therefore, the importance of investment on that account is not very significant. Besides the fact that production of coal has increased, we find that the position as it stands today is that the estimated expenditure for the current year is something like Rs. 77.5 lakhs as was mentioned by the hon. Minister yesterday, although from the report I find it is only Rs. 70 lakhs. This discrepancy does not, however, make much difference. According to the hon. Minister the income was estimated at something like Rs. 43 lakhs. So, there is no doubt that there is a difference between the estimated expenditure and the estimated income for the year and the deficit is expected to be met if the

increase from three to six annas is accepted by the House. Because such an increase would result in a total income of Rs. 86 lakhs if the figures given by the hon. Minister are taken, or Rs. 90 lakhs if the figure given in the report is taken as the basis. The expenditure being Rs. 70 lakhs there would be a surplus of about Rs. 20 lakhs.

Another factor is that Government have to give assistance amounting to about Rs. 51 lakhs for voluntary stowing which has been proposed by certain collieries to be undertaken this year. But it may be that that stowing may not be so necessary in all the cases and the amount that has been estimated, that is Rs. 51 lakhs, may not be necessary. A much smaller amount may serve the purpose. However, whatever the case may be, if the duty is increased from three to six annas the needs of the situation will be fully met and, in my opinion, it may not be necessary in the near future to raise the rate to nine annas. As is apparent from the reports and also from the facts given to us yesterday by the hon. Minister, for some time to come this increase in the duty can be avoided because the production of coal is growing during these years and therefore the amount of duty will also grow which would mean that the increased collection might be quite enough to meet the reasonable expenses during these years.

The purpose of this duty is mainly to provide for safety. But if Government have sufficient funds by simply raising the duty from three to six annas, I do not think it is at all necessary to raise it further to nine annas. Besides, some hon. Members have given the history and the background of this Board which is supervising this work. I would not go into details here because they have already been placed before the House by other hon. Members, still I would like to say that the work as it has been done is not at all satisfactory and in view of that unsatisfactory condition I do not think it is at all necessary or desirable that the duty should be raised from three to nine annas which would leave such a big surplus in their hands. My submission is that it would be quite enough if the duty is increased to six annas.

I do not want to take more time of the House, but in conclusion I would suggest that this increase from three to six annas should be accepted. The increase to nine annas would, I think, be too much.

Shri Jnani Ram (Bihar): Before dealing with the desirability and equity of the proposed increase in the cess, I would like to deal first with the salient features of the coal industry and the necessity for conservation as also the methods adopted by the Stowing Board constituted under this Act. It is too well-known a fact that there is not a country in the world at present which can do without coal. The coal industry in India began in 1774. The chief coal belt in India is along the Damodar Valley in Bengal and Bihar; coal is also found in Madhya Pradesh, Assam, Orissa, Hyderabad, Rajasthan and some other places. The most important coal-mines are in Jharia, Raniganj, Giridit and Bokharo areas. These are the best of our deposits. As regards estimates of our total coal deposits, they differ according to various authorities. The estimate of one Mr. Foxe made in 1932 put it at 62,000 million tons of good coal. The Mining Committee of 1937 estimated it at 1,425 million tons, whereas the Fiscal Commission put it at 65,000 million tons. Taking a very conservative view we may put the figure at 50,000 million tons. Though we need have no anxiety about continued availability of ordinary coal in the future, there is some anxiety as regards good coal and steps have been recommended for preservation of good coal. Raniganj, Jharia, Giridit are the areas where high quality coal is found and we should take steps to conserve it. There are several methods of conserving coal but some of the main suggestions recommended by various committees are that the use of high-grade coal in railways and industries should be stopped and that the railways should be electrified.

Let me now examine how far the Stowing Board has been able to help in the conservation of coal.

The Deputy Minister of Works, Production and Supply (Shri Buragohain): The scope of this Bill is very limited. Even the scope of the main Act is very limited. It has nothing to do with conservation as such, which is a bigger subject. The Bill relates to stowing for safety.

Shri Jnani Ram: But the process of stowing is necessary for conservation and therefore I am dealing with it. The Board was constituted in 1939. The work of the Board is defined in Section 9, which reads thus:

“(3) Without prejudice to the provisions of section 19 of the Indian Mines Act, 1923, the Chief Inspector or any Inspector may,

by order in writing addressed to the owner, agent or manager of a coal mine, require him to take such protective measures, including stowing, in the mine as the Chief Inspector or the Inspector may think necessary, if in the opinion of the Chief Inspector or Inspector—

- (a) the extraction or reduction of pillars in any part of the mine is likely to cause the crushing of pillars or the premature collapse of any part of the workings or otherwise endanger human life or the mine, or
- (b) adequate provision against the outbreak of fire or flooding has not been made by providing for the sealing off and isolation of any part of the mine or for restricting the area that might be affected by fire or flooding, as the case may be.”

The Board ordered in 1941 the compulsory stowing of five mines, but only the new Marine mine carried out underground stowing this year. In spite of the compulsory orders, the other mines did not carry out the orders passed by the Chief Mining Inspector. Everybody knows that there are fires in the mines and a lot of coal is being wasted. No steps are being taken to quench the fire in those collieries. It is necessary that immediate and effective steps should be taken and the Stowing Board should move in the matter. The Board has explained the various difficulties in its Report but no tangible steps have been taken. There were applications for help from fifty-one collieries, out of which only forty or forty-one took advantage of the assistance of the Board and the rest did not. The Board has got sufficient money—nearly Rs. 80 lakhs. It is not able to spend it. By this Act, the tax is being imposed uniformly on all collieries in India. There are collieries in Jharia, Raniganj and Giridit which have been working for a long time. They have exhausted their coal and the amount required for stowing on these collieries is very much while the new collieries do not require much money. From the report it appears that in Hazaribagh district only one colliery requires stowing. But all the collieries situated in Dhanbad, Asansol and Raniganj require stowing. The Bill levies the same tax on all. The old mines have earned large profits and they have taken larger advantage of the organisation. My opinion is that though it

[Shri Jnam Ram]

is not feasible at present to make any such amendment, in the very near future Government should bring some amendments by which the levy would not apply to all collieries, but those collieries which have already earned lots of profits would have to pay more taxation.

The other thing is that the amount from this Fund is being advanced to the collieries by way of subsidy. This should not be so. This Fund should be a capital fund and the amount should be advanced by way of loan, to be returned by the collieries. It would be highly discriminatory if subsidies are given to collieries which have already earned lots of profits and the burden should be saddled on new ones which have just started functioning. The collieries suffer from several taxations such as: *chowkidari* tax, health cess, road cess, Water Board cess, income-tax, sales tax by several States, labour welfare tax and now this stowing tax. If you raise the quantum of this tax, the price of coal will be naturally increased. Even if the increase is two pice or one anna per ton, the miners and dealers will increase the price by several annas per maund of coal.

My next point is this. By increasing this cess, you will be getting nearly Rs. 16 to 17 million because the annual output is nearly 31 million tons and at the rate of nine annas the total would come to so much. I do not think the present staff will be adequate to handle this huge amount. It should be increased so that the Fund would be adequately administered. We should see that proper stowing is done, so that large quantities of coal are not wasted by fires and the national wealth does not go down.

With these comments, I support the Bill.

Shri Buragohain: I rise to reply to some of the more important criticisms that have been made. My hon. friends Shri Guha and Shri Upadhyay criticised the duty. About the rate of the duty, I may inform the House that as far back as 1936 the late Central Government appointed a Committee to go into this question. It was called the Coal Mining Committee. That Committee recommended the steps to be taken to carry out stowing operations in coal mines and as a result of those recommendations this Bill was originally brought into the then Central Legislature and was passed in 1939. The Committee recommended a duty of eight annas per ton of coal including soft coke and twelve annas

per ton of hard coke. Government did not accept that recommendation. They remained content with three annas. Recently also, as my hon. friend Shri Sinha pointed out, the Indian Coalfields Committee appointed in 1946 recommended that the rate should be Rs. 1-2-0 per ton of coal and Rs. 1-10-0 per ton of hard coke. In this Bill Government has proposed only a maximum rate of nine annas, exactly half of what was recommended by the Committee set up by Government. To consider this to be excessive is, I should say, unfair.

I have already explained, that it is the present intention of Government to raise the duty only to six annas. It is hoped that this would enable the Board to carry on its duties at least for some time to come, may be for about a year. Later, it may perhaps be necessary to raise the rate further and for that purpose power has been taken by Government in this Bill.

A point which was raised by several hon. Members is with regard to the constitution of the Board. The provisions of the Act will make it clear that in the constitution of the Board the coal mining interests are adequately represented. Out of the four non-official members who are from the Indian Mining Association, a federation of mining interests which claims to control about 60 per cent. of the country's production and they have been allotted, by the Act, two members.

Shri A. C. Guha: Does this association represent only European interests in the colliery business?

Shri Buragohain: I think what my hon. friend presumes is correct. The Indian Mining Association is a European-owned Association. They claim to control...

Shri A. C. Guha: And Mr. Barraclough is a nominee of that Association?

Shri Buragohain: Perhaps he is a nominee of that Association. The other Association which is represented is the Indian Mining Federation. This was composed of Indian companies and was established in 1913 to look after the interests of Indian owners. This body has been given one seat. Latterly some of the members of the Indian Mining Federation had seceded and formed what is called Indian Colliery Owners Association and they have been given one member. Then there is, the Chairman and the Chief Inspector of Mines who are

appointed by the Government. The Chairman may be an official or a non-official; the Chief Inspector of Mines is an official of Government and he looks after the interests of Government on this Board. All decisions of this Board are taken by the majority of votes, so that there can be no question of giving weightage to any particular kind of interests in this Board which deals among other things with the applications that are received for assistance.

Another point raised by my hon. friend Mr. Guha is about financial control by Government. While on this point I must make it plain that so far as Government is concerned, no financial implications are involved, because whatever is realised is credited to the Board's fund and no extra expenditure is entailed on Government. With regard to financial control by Government, I may inform my hon. friend that the accounts of this Board are audited by auditors appointed by Government and the budget that is prepared by the Board is submitted to Government for approval and Government may even make changes in the Budget that is sent up to them. There are certain amendments which are now sought to be made in the Coal Mines Safety Stowing Rules. Some of them are that when a work costing more than Rs. 5 lakhs is to be executed, prior sanction of the Government should be obtained. For the works that will be done departmentally by the Coal Mines Stowing Board the public works procedure that is laid down in the C.P.W.D. Codes should be followed. Government also propose to make a rule restricting the powers of the Board so that it can only incur expenditure that is provided in the Budget that is sanctioned by the Central Government. These are some of the measures which are being actively considered by Government and they will be enforced by making suitable amendments to the rules under this Act.

Another point that was raised by some hon. Members is with regard to conservation. Government have every intention of introducing stowing for conservation. A separate amendment to this effect will be necessary and it is the intention of Government to come to this House in proper time with a suitable amendment Bill.

My hon. friend Mr. Guha has probably got the report of 1949-50 where Mr. Barraclough is shown as the Chairman. He is the Chief Inspector of Mines of the Government of India and he is an *ex-officio* member of this Board. When the Chairmanship of that Board was vacated by a non-official gentleman

when he was elected to Parliament, the current duties were looked after by this *ex-officio* member. And he remained the Chairman until about September last year. Thereafter, the current duties of this Board are looked after by a Superintending Geologist of the Geological Survey of India.

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

Mr. Chairman: The question is:

"That the Bill further to amend the Coal Mines Safety (Stowing) Act, 1939, be taken into consideration."

The motion was adopted.

Clause 2.—(Amendment of section 5)

Mr. Chairman: With regard to the amendments I would like to know from the hon. Member Mr. Arun Chandra Guha whether he likes to move any amendment.

Shri A. C. Guha: If the hon. Minister is agreeable to accept any of them I will move.

Mr. Chairman: May I enquire whether the hon. Minister is willing to accept any of the amendments?

Shri Buragohain: I am not able to accept any amendment. I have already given the assurance to the House yesterday that it is the intention of the Government to levy a maximum rate of six annas only for the present.

Mr. Chairman: Is the hon. Member satisfied with the assurance given by the hon. Minister?

Shri A. C. Guha: What other alternative have we got?

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 1.—(Short Title)

Amendment made:

In clause 1, for the figures "1950" substitute the figures "1951".

—[Shri Buragohain]

Mr. Chairman: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

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

Shri Buragohain: I beg to move:

"That the Bill, as amended, be passed."

Mr. Chairman: Motion moved:

"That the Bill, as amended, be passed."

Shri A. C. Guha: There are two other bodies, the Standing Advisory Committee and the Research Advisory Committee, but there is nothing in the Rules or in the Act. I only want to know how these two bodies have come into existence.

Shri Buragohain: This Board is a statutory body and it has got powers under the Act and the Rules. So far as the research work is concerned, it is part of its duties. So it has probably made its own arrangements by setting up its own Advisory committee. What is the other one referred to by my hon. friend?

Shri A. C. Guha: The Standing Advisory Committee.

Shri Buragohain: I am not quite sure, but subject to correction, probably that is set up by the Board itself. Because, under the Rules they have got powers to deal with this problem in any manner they like.

Babu Ramnarayan Singh rose—

Mr. Chairman: While I am for giving an opportunity to as many speakers as possible and at as many stages as they like, may I expect from the hon. Members that they would also help in the speedy passage of some of these Bills because, we are not able to make much progress. There are plenty of opportunities for Members to speak.

बाबू रामनारायण सिंह : यह प्रश्न नहीं है कि मुझ को अवसर मिले, प्रश्न यह है कि विषय कैसा है, इस पर बोलना जरूरी है या नहीं। मैं केवल एक या दो मिनट लूंगा, ज्यादा नहीं।

[**Babu Ramnarayan Singh (Bihar):** The question is not that I should be given an opportunity. But the question relates to the worth of the subject—whether it is necessary to speak on it or not. I shall not take more

than a minute or two.]

सभापति महोदया : आप के बोलने के पहले मैं एक बात साफ़ कर देना चाहती हूँ।

[**Mr. Chairman:** I should like to make one thing clear before you speak.]

Of course Babu Ramnarayan Singh will speak, if he wants to speak. But I would like to inform hon. Members that the next Bill would be the very last item in the combined agenda for the day, that is, Mr. Santhanam's Bill to amend the Inland Steam Vessels Act, 1917. That will be taken up before all the other Bills are taken up. Dr. Ambedkar whose Bills are put down immediately next to this Bill which is about to be passed, I think, has agreed that this Bill (Inland Steam Vessels Bill) might be taken up first in view of the fact that it is an urgent matter.

The Minister of Law (Dr. Ambedkar): It will take only about fifteen minutes. There are no amendments to that Bill.

Mr. Chairman: I am just giving previous notice to hon. Members.

बाबू रामनारायण सिंह : सभानेत्री महोदया, मैं दो मिनट लूंगा ज्यादा नहीं। बात यह है कि यह जो बोर्ड बना है वह अंग्रेजी राज्य में बना था। अंग्रेजी राज्य में बहुत से बोर्ड और बहुत सी सभितियां बनती थीं, कुजस से सरकार की गोभा बढ़े और जैसे जानवरों की पिजरापोल में गुजर होती है उसी प्रकार से कुछ लोगों की गुजर चले। इसी तरह से यह बोर्ड भी था। लेकिन मैं उम्मीद करना हूँ कि आप एक नया संशोधन इसमें पेश करेंगे और नया बोर्ड बनेगा, तथा उसमें मजदूरों के प्रतिनिधि रहेंगे और जनता के भी प्रतिनिधि रहेंगे। वहां रक्षा की जो बात है। लेकिन यह नहीं कि रक्षा माइनिंग इन्स्पेक्टर (Mining Inspectors) जो हैं उन की हो या जो खानों के मालिक हैं उन की रक्षा हो। वहां रक्षा होनी है मजदूरों की, परन्तु वहां मजदूरों का कोई प्रतिनिधि नहीं

है, जनता का भी सम्बन्ध वहाँ पर आ जाता है। इस वास्ते जिस रूप में यह काम हो रहा है, और जो बिल आया है मैं उस का घोर विरोध करता हूँ और उम्मीद करता हूँ कि नया बिल आयेगा और ठीक तरह से काम किया जायगा। सरकार को याद रखना चाहिये कि जो पैसा जनता के पास से आता है उसे उस का एक घाती समझना चाहिये। वह पैसा बरबाद नहीं होना चाहिये। ईमानदारी से खर्च होना चाहिये। लेकिन जिस तरह से सभी जगह बर्ड होते हैं अब तक यह वर्तमान बोर्ड उसी प्रकार का है और इसलिये मैं इस प्रस्ताव का घोर विरोध करता हूँ।

[English translation of the above speech].

Babu Ramnarayan Singh: Madam, I shall take two minutes, not more. The thing is that this Board was constituted during the British regime. Many Boards and Committees were formed in the British regime to uphold the dignity of the Government and to make provision for certain persons just as some animals are provided for in the pinjrapoles. So also was this Board. But I hope that a new amendment to this Bill will be presented and a new Board will be formed which will include representatives of the labourers and also of the public. There is the question of protection. But not the mining inspectors or the colliery owners have to be protected; protection is to be given to the labourers there. But there is no representative of these labourers. Concern of the public also comes in. Hence I strongly oppose the way in which the work is being done and what has been provided for in the Bill. I hope that a new Bill will be presented and the work properly done. The money coming from the people must be considered by the Government as a sacred trust. That should not be wasted. That must be spent honestly. But I strongly oppose this Bill because there is little difference between this Board and the all and sundry Boards that are to be found elsewhere.

Mr. Chairman: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

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

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

[PANDIT THAKUR DAS BHARGAVA in the Chair.]

INLAND STEAM-VESELS (AMENDMENT) BILL

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

"That the Bill further to amend the Inland Steam-vessels Act, 1917, be taken into consideration."

This is a very simple Bill and I hoped that it would have been passed long ago. But unfortunately owing to the exigencies of our parliamentary business, this had to be postponed. This is a Bill of some urgency. It seeks to fill up the lacuna in the present Inland Steam-vessels Act, 1917. Under the Government of India Act of 1950 the inland steam-vessels became a purely provincial subject and the Centre lost touch with it but under the new Constitution, it is in the Concurrent List. The House may be surprised to know that we have got powers of control of our shipping, coastal as well as foreign going shipping, so long as the ship is on the Indian register and even to some extent of foreign shipping, so far as coastal trade is concerned, but we have no control over the inland steam vessels. This is because the inland steam-vessels Act provided only for certificate of survey, for qualifications of serangs, engineers, etc. and such purposes. When that Act was passed, it was not contemplated that any steam vessel plying in an inland river in India will transfer its allegiance to any other neighbouring State or there would be any difficulty in controlling it, but things are changed and as you know a new State has arisen which has more or less divided the big rivers of India. Therefore, it is essential for us to be able to control the inland steamers which are plying within our territories. It is also necessary for us to ensure that inland steamers registered in a neighbouring State are able to carry our traffic on the basis of strict reciprocity. There are only three points in this Bill. This Bill compels registration of all inland steamers in the State at which it has its headquarters. Secondly, it prohibits transfers of certificate of registration or transfer of the place of residence or place of business, except with the permission of the authorities concerned. Thirdly, it provides for reciprocity—clause 19Q. These are the

[Shri Santhanam]

only provisions and I am sure that the whole House without any voice of dissent, will approve of these provisions. All the other provisions are more or less ancillary to these provisions. My hon. friend, Mr. Sidhva, has tabled some amendments. They are more or less formal amendments, not controversial. If the Bill stood alone, those amendments are essential but most of these amendments have been already provided in the original Act and I hope to convince him when they are taken up. On one or two points, I may be able to accommodate him. The other amendments are unnecessary because they are already provided. Otherwise, there is no point of controversy. I commend this Bill to the House.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Inland Steam-vessels Act, 1917, be taken into consideration."

Shri Hussain Imam (Bihar): On a point of Order a ruling was given on the 12th of April on the motion of hon. Minister for Transport that the consideration of Bills involving any expenditure out of the Consolidated Fund under Article 117(3) cannot take place without the previous sanction of the President. I invite your attention to the fact that this Bill does contemplate that in the case of Part C States we have taken over, like Cutch and other places, we will have to act as the Provincial Government as well as the Central Administration because things have got to come to the Centre. It will involve expenditure from the Consolidated Fund and therefore the consideration of the Bill cannot be proceeded with.

Shri Santhanam: If the hon. Member had taken care to read the Bill, he would find that the only expenditure is the expenditure of a State concerned. No expenditure is involved from the Consolidated Fund of India and I think the question does not arise.

Shri Hussain Imam: May I give the details in which the Central Government is involved. On page 6 of the Bill under clause 19R it is stated:

"Power to make rules—(e) prescribe, subject to the approval of the Central Government, the fees to be charged for the registration".

For the fees to be charged, the Central Government will have to have somebody to deal with this matter.

Shri Santhanam: The State has to prescribe subject to the approval of the Central Government.

Shri Hussain Imam: As far as Part C States are concerned, the whole expenditure is a charge on the Consolidated Fund.

Shri Santhanam: What is the Part C State to which the hon. Member refers to?

Shri Hussain Imam: Cutch.

Shri Santhanam: There are no inland steamers there. It is regulated by the Shipping Act. It is only a port there.

Mr. Chairman: It appears that there is a provision that the State concerned will have to spend some money and not the Central Government. Therefore, there is no point of order involved.

Shri Hussain Imam: The power of superintendence is there, Sir.

Mr. Chairman: It does not necessarily involve any expenditure of money.

Shri Sidhva (Madhya Pradesh): I will not be long. I welcome this Bill. As my hon. friend Mr. Santhanam stated, this Bill is long overdue and it should have been brought in the last session. There are very good provisions in this Bill. I have got several amendments which I shall discuss when the clause by clause consideration of the Bill is taken up. I would however state that while all the tonnages of steamers are to come under the operation of this Bill, there are certain omissions which must be accepted by my hon. friend. Otherwise, I am afraid, the whole object would be frustrated.

I would draw his attention to one instance. In Bombay, there are many small steam vessels running between various coastal towns, a distance of 25 or 30 miles. There are two trips every day and they come back to Bombay. I remember, in 1949, there was a big mishap. A small steam vessel of 500 tons, carried passengers more than its capacity, and nearly 120 passengers were drowned. Probably, this seems to have escaped the notice of the hon. Minister. I have moved certain amendments and I hope he will sympathetically consider them. Otherwise, I have every support for all the provisions. As the hon. Minister rightly stated, there could be no objection to any provision, but, the Bill has not been properly considered from practical experience. I have some experience from the passengers' point of view, and therefore I have suggested

certain amendments. I have seen the original Act. If there are any provisions in the original Act and if they overlap, I will not press them. If there are none, certainly, I shall press those amendments. With these few words, I welcome this Bill.

As the hon. Minister stated, I hope it will be passed soon. As I stated, there are many lacunæ in the Act and there had been many difficulties experienced in the matter of certificates. Also, some small vessels are not being inspected as required and they are running with old and deteriorated engines. Those provisions require to be made more strict. For this purpose also, I have moved certain amendments. With these words, I support the Bill.

Dr. Deshmukh (Madhya Pradesh): The hon. Minister described this as a very simple Bill and that it probably is. But, all the same this embodies a provision for the registration of certain steam vessels which were not so far being registered. The hon. Minister has sought to provide in these various clauses the whole procedure about the registration of these steam vessels. Then, at the end, naturally, since this is a Central Act, he has provided for the repeal of all rules and regulations or Acts that are subsisting in the States. I once again suggest that such Bills should be referred ordinarily to a Select Committee. My hon. friend Mr. Sidhva not only finds fault with this Bill for which he has given notice of amendments, but he has also suggested in his speech that there are lacunæ in the original Act which require to be cured, so far as supervision and inspection is concerned. Here also, in the provisions that are made in this Bill, I do not see how long this registration has to last, and whether there is to be re-registration as it is in vogue in the case of automobiles. Moreover, I do not know whether there is any specific provision about inspection, as my hon. friend has complained. Moreover, when we rush up like this, it is our experience that before even the ink of a Bill is dry, we have an amending Bill and it does not require much foretelling or prevision to say that the hon. Minister will, in all probability, come forward with an Amending Bill within the next 6 months. There would not have been much time lost if this Bill had been introduced a little earlier and a motion for reference to a Select Committee had been made. All these points could have then been much more satisfactorily thrashed out, and less time of the House taken than would be possible in the present cir-

cumstances. Even so far as the amendments of my hon. friend Mr. Sidhva are concerned, it is not possible to give them that consideration which is due to them when we are discussing them in an open House like this. I therefore think that it would have been much wiser for the hon. Minister to have made a motion for reference to the Select Committee and then to thrash out the provisions there and get the Bill passed with greater ease. For instance, I shall point out only one case. He has tried to make an exception here. It is stated:

"Provided that it shall not come into force in the States of Travancore-Cochin and Madras..." etc.

I do not know why he has excepted these two States from the provisions of this Amending Bill.

Shri Santhanam: I have given an amendment in that connection.

Dr. Deshmukh: Even before the Bill is placed for consideration, we have got amendments from the hon. Minister himself.

Shri Santhanam: It has been before the House for nearly two months.

Dr. Deshmukh: I am glad he did not wait as long as I thought he would. In clause 3 it is suggested:

"(2) Nothing in this section shall—

(a) apply to any steam-vessel built at any place other than a place of registry and making her first voyage to any such place for the purpose of registration;"

This is quite a wise provision because it is not possible to give the registration number when the ship is built in a particular place before it reaches the place where it has to be registered. But, there is something like a provisional certificate under clause 19J(4). I do not see why that should not be available to any company to take a vessel from where it is built to the place where it is to be registered and why there should be a specific clause in section 19A to except that vessel from this provision. Similarly, I think many questions are likely to arise because, when we rush through legislations in this House, then, we find ample mistakes committed by us which require to be corrected. I would have therefore liked my hon. friend to make a reference to the Select Committee. If it is not too late, I would even now urge upon him to do so.

Shri Chaliha (Assam): I welcome this little measure. I have some

[Shri Chaliha]

doubts about clause 3 which runs as follows:

"(2) Nothing in this section shall—

(a) apply to any steam vessel built at any place other than a place of registry and making her first voyage to any such place for the purpose of registration;"

My difficulty is like this. If a ship is built in Calcutta, and then it goes to Pakistan, there will be many steamers going without any registration. They will be registered in Pakistan. My doubt is whether this is meant only for the Indian Union or to vessels that go to Pakistan. My own experience is that many ships are built in Calcutta and they are taken to Pakistan where they are registered. My second difficulty is about reciprocity. I do not know if it means that if a ship or vessel is registered in Pakistan, it shall be allowed to ply in our rivers and inland waters and *vice versa*. Probably, there is one thing which I must confess. I know the number of our ships is greater than those registered in Pakistan. There may be obvious advantages. But, I would like this point to be cleared by the hon. Minister. When these two points are cleared, I would welcome this measure. That will satisfy the ship-builders as well as the people who ply the ships between India and Pakistan. Our ships from Calcutta go to Assam through Pakistan and I feel a certain amount of reciprocity is necessary. But, I would like to know whether it is to our advantage or disadvantage. If these two points are cleared, I shall have nothing against this measure and I welcome it.

Shri Hussain Imam: We are deeply interested, coming from Bihar, in inland steamers, because our province is divided into two parts by the Ganges. There are four points at which we have to cross over for every journey from one part of the country to the other. We have had two disasters. The one was the famous Narayani disaster in which more than 100 persons were drowned about five years ago. The other was only in the last year in which 400 or 500 heads of cattle were involved. Many of them saved themselves swimming. We feel that this Act is one which should not have been treated in the manner in which it has been done. The only part which they wanted to add for the purpose of registration has come in. Even the Adaptation Order that was published by CO No. 4 seems to have forgotten that the conception of provincial Government

is no longer available to us under the Constitution. All are now State Governments, but I have got a copy here which I have taken from the Library and it does not contain the words State Governments at a single place. We have the words Provincial Government at all the places. This requires correction.

And then the original Act does not provide penalty for the management or the owners of the vessels. The punishment or penalty is all for the staff, implying thereby the *sarangs*, the *master* of the vessel and so on. But these people have no control over the number of passengers who board these inland vessels. All these matters call for greater attention and necessary action. Also when framing or bringing forward any Bill, let us not forget the past experience, but let us try to take a lesson from our past and try to get over the difficulties that had been confronted. Therefore I would like to invite the attention of the Government to the urgent necessity of bringing forward another Bill to revise the original Act *in extenso*.

As far as this particular measure is concerned, there can be no two opinions that there is great need for registration and it is most essential and unexceptionable, except that a few things should have also been included and probably these are being included by way of amendments.

Shri Santhanam: Normally I do agree with what Dr. Deshmukh has said, that a Bill should be scrutinised by a Select Committee. But I am sure he will agree with me that even when a Bill comes from a Select Committee, amendments cannot be excluded.

Dr. Deshmukh: They can be fewer.

Shri Santhanam: No, I do not think so far as this Bill is concerned, they can be fewer. I do not think any Bill has come before this House with fewer amendments than this Bill has. As a matter of fact, the provisions contained in this Bill are so simple that it would be rather taking too much of the time of the House if I were to refer it to a Select Committee. There has been no controversy over this Bill. It is not at all a controversial measure.

There is nothing that I need say in reply to what Mr. Sidhva has said because as I have already said I will consider his amendments on their own merits.

Mr. Chaliha raised two points. One was that ships being built at Calcutta could be taken over to Pakistan for

registration. I wonder whether he realised the implication of that argument. Does he want that Pakistan should build all its ships only outside India? Suppose Pakistan wants to build a ship and there is at Calcutta or somewhere else a place where it can be built. Does he mean to say that Pakistan should not be free to build her ship at that place? How can that be done unless there is some such provision here? So far as the building of ships is concerned, it all depends upon the people concerned and where they want to ply the vessels. It would be wrong for us to interfere, that would only be hurting our own interests.

The second point that he raised was that relating to reciprocity. Surely if we did not think that it was entirely to our advantage we would not have put in the clause concerned. Secondly, under the present international convention where a river passes through two or three States, we have no right to prevent the ships registered in one of the territories from going through all the other territories. We want to respect the international convention and we want to ensure that that respect is reciprocal and not one-sided. A country like India cannot afford to dispense with or break international conventions. Other parties may do so and we are only protecting ourselves from any such unilateral act. This clause will give us some power to deal with the question. That is why this has been put in.

I was wondering what Mr. Hussain Imam meant by our not providing penalties. In clause 6 we are providing penalty for the owners or masters of the inland steam-vessels who do not conform to the provisions. As far as survey and other things are concerned, they are extensively dealt with in the original Act of 1917, and if that Act is examined, it will be found that penalties are laid down for non-conformity of any of the provisions. If it is held that every Bill must be completely comprehensive in all respects, I do not object to it, but that means much more time both for preparation and for introduction and passing and I do not know whether the hon. Member would prefer that things should wait indefinitely, or whether we should do something now that is very essential and necessary. I may take the House into confidence and say that the question of this Bill arose exactly from the difficulties of Bihar. When complaints came from the State of Bihar and when the people of Bihar and the Members of Parliament from Bihar said that some river vessels were being transferred from Bihar,

we examined the position and found that we had no powers to remedy the situation. Immediately we set our Ministry of Law in motion and this Bill was produced. Therefore it is a matter that is urgent and I need not expatiate on its urgency because it may be misconstrued in some quarters. Therefore I request that the House may let this Bill pass without any trouble.

Mr. Chairman: The question is:

"That the Bill further to amend the Inland Steam-vessels Act, 1917, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—Insertion of new Chapter II A.

Shri Sidhva: Sir, I have to move my amendment. I beg to move:

In clause 3, in sub-section (1) of the proposed section 19A of the Inland Steam-Vessels Act, 1917, after the words "steam-vessel" insert the words "of any tonnage".

It may be argued that the words "steam-vessel" does mean all steam-vessels of any tonnage and so there is no necessity for adding the words that I have proposed. But in one disaster that took place it was mentioned by the members of the enquiry committee that the Act was not applicable to that particular case as no tonnage had been mentioned and that particular vessel was less than 100 tons. It may be that all vessels are covered, but all the same, to make the matter perfectly clear, I suggest that these words that I have suggested may also be there.

Shri Santhanam: The matter is quite clear as it is. The definition says that an inland vessel is one that ordinarily plies on any inland water, and a steam-vessel is one that is propelled by steam, whatever may be its description. Therefore all the vessels are covered and these words that have been suggested by my hon. friend are superfluous. I wonder whether the case of the disaster that he referred to happened on the high seas or.....

Shri Sidhva: No, within the Bombay area.

Shri Santhanam: But there is no inland vessel in the Bombay area. They all belong to coastal shipping and all such cases are covered by the Merchant Shipping Act and there they may have tonnage limits. Here, so far as this particular Bill is concerned, it covers all inland steam-vessels of any tonnage, and therefore the addition of these words is unnecessary.

Shri Sidhva: But the hon. Minister himself referred to the definitions. In one case you have vessels ordinarily plying in inland waters and in the other case vessels of all description are covered. What exactly is meant?

Shri Santhanam: There is no limit of tonnage. Vessels of all description ordinarily plying in inland waters are covered and also all those that are propelled wholly or partly by the agency of steam. And so together, they make the position completely foolproof.

Mr. Chairman: It seems that there is no contradiction. May I take it that the hon. Member does not want to press his amendment?

3 P.M.

Shri Sidhva: If it is not contradictory, why are different interpretations given? However, if you are satisfied that it is clear I do not want to press it.

Mr. Chairman: Left to myself it is quite clear but if he wants it I have no objection to put it to the House.

Shri Sidhva: I do not want to press it. I want to move my next amendment. I beg to move:

In clause 3, in the proposed section 19D for the words "Survey in force" substitute the words "an authorised surveyor".

I do not understand the meaning of "survey in force" as contemplated in section 19D. Survey and inspection of steam vessels are an essential part of the Bill and we do not want any ambiguity. My amendment suggests that a certificate from an authorised surveyor will only be acceptable to the authorities. I am only making it very clear and I hope the hon. Minister will have no objection to accept it.

Shri Santhanam: The whole of Chapter II of the old Inland Steam Vessels Act relates to how a ship will be surveyed, how a certificate will be issued and the qualifications of the surveyor. Everything is comprehensively dealt with in Chapter II. The only point here is that a certificate of survey should be in accordance with the provisions of the Act. If you add "an authorised surveyor" here it would look as if it is meant only for this provision and not for other provisions. Chapter II of the Act makes detailed provisions regarding survey and surveyors and therefore this is not necessary.

Shri Sidhva: Are the surveyors appointed by the Government periodically?

Shri Santhanam: They are certified by the Government and nobody else can survey. There are stringent regulations in force for issuing certificates for surveyors.

Shri Sidhva: I do not press this amendment. I beg to move:

In clause 3, in the Proviso to sub-section (3) of the proposed section 19E, add the following at the end:

"and reasons for such approval shall form part of the record of that Government."

The proviso reads:

"Provided that the Government of the State in which the owner ordinarily resides or carries on business, or in the case of a company the Government of the State where the principal place of business of the company is situate, has accorded its previous approval thereto."

I want to add at the end "and reasons for such approval shall form part of the record of that Government." When a certain provision is made I want it to be emphatic on this matter, as to under what circumstances deviation is desirable. From that point of view I want this addition to be made.

Shri Santhanam: When one State accords approval for a ship in its registers to be transferred to the registers of another State, naturally it will do so when there is sufficient reason. When it voluntarily accords approval for such registration, I do not see why we should ask that State to record its reasons. If it is in its interest to accord approval we need not ask them for the reasons. I think my friend's enthusiasm is rather misplaced.

Shri Sidhva: I shall not press the amendment. I beg to move:

In clause 3, in sub-section (1) of the proposed section 19F, add the words "on payment of prescribed fee" at the end.

This is self-explanatory. The clause reads:

"it shall grant to the applicant therefor a certificate of registration comprising such particulars as may be prescribed."

Whether any fee is to be levied is not clear. If a fee is levied it would

be better for the purpose of registration. I therefore desire this addition to be made.

Shri Santhanam: There is no difference of view between us. The rules will cover it. Even though you put in the words "prescribed fee" the actual fee will have to be prescribed by rules. However, I have no objection to accepting the amendment.

Mr. Chairman: The question is:

In clause 3, in sub-section (1) of the proposed section 19F, add the words "on payment of prescribed fee" at the end.

The motion was adopted.

Shri Sidhva: I beg to move:

In clause 3, in sub-section (2) of the proposed section 19F, after the word "mechanically" insert the words "and in construction of the body".

There are many defects in the construction of a vessel, which have caused disasters. They need not be necessarily mechanical defects in the engine. If the vessel carries passengers and the body is not built for that purpose, that leads to many disasters and they have occurred also. Therefore as a measure of safety I am suggesting this amendment and it is essential in the interest of the travelling public.

Shri Santhanam: Mechanically defective means defect in the mechanics either in the engine or defects in construction. The wording 'defect in construction of the body' is very vague and so far as designing is concerned it will be very wrong to leave it to the surveyor or the State Government to say what sort of a sailing vessel should be undertaken. The amendment will make the whole thing vague and may cause harassment. To the extent there is any defect, which will reflect on safety, it is a mechanical defect. If it is likely to leak or not float properly or affect the safety of the vessel it becomes automatically a mechanical defect.

Dr. Deshmukh: The words "structural defect" would be better.

Shri Santhanam: Structural has no meaning: it is not a question whether the vessel should be of one shape or another. Besides I am told by our legal draughtsman that it would be bringing an element of vagueness if I accept Mr. Sidhva's amendment. In the rules to be made we shall see that the defect which he mentions is covered.

97 P.S.

Shri T. T. Krishnamachari (Madras): There is some point in what Mr. Sidhva has suggested, though the language of the amendment is rather unfortunate. I cannot agree with my hon. friend the Minister that mechanical defect would cover defect in construction or structural defects as well. Because if the wording had been merely "found to be defective", then what my hon. friend the Minister says will be correct and defect in any part of the mechanism or the structure would be included. But once you precisely limit the defect to mechanical defects, it cannot mean other defects as well. If my hon. friend is not willing to accept Mr. Sidhva's amendment in that particular form what he should really do is to accept an amendment reading "mechanically and structurally defective". The mere fact that Government cover this lacuna in the rules would not prevent a person whose boat is structurally defective and to whom therefore a licence has been refused, from going to a court of law and saying, "The Act says you can only refuse a licence if my boat is mechanically defective, and you have, therefore, no reason to find fault with me for any structural defect." So, I think even though my hon. friend's legal advisers have advised him against acceptance of any amendment similar to that tabled by Mr. Sidhva, it is a matter for reconsideration because the legal *pundits* cannot visualise or envisage all possible objections that might be raised by a person whose licence may be refused which perhaps a layman like Mr. Sidhva might be able to imagine. I would, therefore, humbly suggest to my hon. friend the Minister to reconsider the matter and table a suitable amendment before the Bill is finally passed.

Shri Santhanam: Sir, here it is not only a question of my accepting a substitute wording but we have to consider the question of whether the authority issuing the certificate of registration is properly equipped to go into the matters relating to structure.

Dr. Deshmukh: He ought to be.

Shri Santhanam: I am not a technical expert.....

Shri Sidhva: Therefore you make it very clear so that there may be no ambiguity about it.

Shri Santhanam: What I have already offered to do is that in making the rules this fact will be taken into consideration.

Shri Sidhva: "Consideration" has no meaning. Say you will put it there.

Shri Santhanam: The point will be covered by the rules and when we make a comprehensive revision of the Act then also this point will be considered. All these ships are built in proper shipyards, by proper designers and engineers. Therefore, generally there will not be any defect. Anyway I will see what can be put down in the rules.

An Hon. Member: Putting something in the rules which does not find a place in the Act may be *ultra vires*.

Shri Venkataraman (Madras): Defects may be any defects, mechanical or otherwise.

Mr. Chairman: So far as the word "mechanical" goes it appears the defect must be something relating to the machine. So far as the word "construction" used by Mr. Sidhva goes, it does not look quite apposite. The word "structural" better explains the meaning. At the same time, if both the words are taken away the wording will be merely "defective" which perhaps will be more vague than now. So far as the powers given in clause 19 are concerned, the wording is, "prescribe the power, duties and functions of the registering authority and the local limits of their jurisdiction." If a rule can be made that it will be the duty of the registering authority to look into the structure of the ship also, then I think this lacuna may be covered. But I leave that to the House to decide. If the hon. Minister wants to change the wording, I will certainly permit an amendment at this stage.

Shri S. C. Samanta (West Bengal): May I suggest that we say, "mechanically or otherwise defective"?

Shri Santhanam: You are making it more vague.

Pandit Munishwar Datt Upadhyay (Uttar Pradesh): If the word "mechanical" is dropped and only "defective" remains, then all sorts of defects can be covered by the rules.

The Minister of Law (Dr. Ambedkar): May I say a word as it strikes me? I have not seen the Bill and therefore I am speaking from such impression as I have formed. The main object of the Bill is to secure safety. Now, safety depends, so far as I understand it, upon the mechanical structure of the ship and not upon structure in the sense of its shape or size. Therefore a distinction, I think requires to be made between the two, the structural defect which has nothing to do with the ship, and the mechanical defect which has something, in fact greatly, to do with the safety of the

ship. The object of the Bill is to secure safety and therefore emphasis must necessarily be laid upon the mechanical side of the ship and not so much upon the structural side. A man may have, for instance, an oblong ship; a ship may be something whose bottom may be very different from the others.

Shri Sidhva: That is a defect.

Dr. Ambedkar: What I want to know is, what is a structural defect? One man may say, "From my point of view it is a structural defect. It ought to have been in some other shape." Another man may say, "It ought to be of some other shape." The submission I am going to make is this, that the Bill aims at securing the safety of the passengers; the safety of the passengers essentially, mainly, fundamentally depends upon the mechanism of the ship, and therefore what is necessary in the matter of giving a certificate by the surveyor is that he should see whether there is any mechanical defect. That is my submission.

Shri Venkataraman: May I ask the Law Minister.....

Dr. Ambedkar: This is no question of law. I am only speaking as one of the Members of the House.

Shri Hussain Imam: Sometimes structural defects may endanger the safety of passengers. For instance, the railings on the deck may be so low that passengers may fall into the water. Again, if the blades are not properly screened passengers may fall on them and get crushed. Similarly, if the engine room is not properly protected you may have accidents. The word "structural" does not imply any defect in size and shape but should be included for the same purpose on which the Law Minister insists, namely, that it is the safety of passengers that we look to. We must trust our authority to so interpret the statute as not to make it inoperative. I consider "structural" is very essential.

Shri Sidhva: My friend Mr. Santhanam said that though my wording did cover the intention still there is vagueness in it, and my hon. friend, Dr. Ambedkar has stated that what we aim at is the safety of passengers. I am also for safety, but he has mixed up shape with safety. My hon. friend, Mr. Hussain Imam has come out with the correct instances. I can tell Mr. Santhanam that some of these ship-owners deliberately put the railings very low and as a result many accidents have occurred.

An Hon. Member: Why put it "deliberately" low?

Shri Sidhva: Because it cuts down the costs. The Deck Passengers Committee has made strictures on this practice. There are many other structural points, for instance, use of bad wood in construction. Those who have experience in this field have spoken in favour of my suggestion. Unfortunately, my friend Dr. Ambedkar.....

Dr. Ambedkar: I have travelled very much.....

Shri Sidhva: But not on the deck. You have travelled in the saloons where there are no defects.

Sir, with the object of safety in view I have moved my amendment. I am prepared to accept your suggestion to substitute "construction" by the word "structural". I hope my friend will accept it.

Shri Santhanam: There is also a technical difficulty because this particular section (section 13 in the Act) does not regulate any such thing. Here the reference is incidental for registration only. This does not deal with survey or looking into these matters of defects. The original section 13 reads:

"A certificate of survey may be suspended or cancelled by any Local Government if it has reason to believe—

(a) that the declaration by the surveyor of the sufficiency and good condition of the hull, boilers, engines or other machinery or of any of the equipments of the steam-vessel has been fraudulent-ly or erroneously made; or

(b) that the certificate has otherwise been granted upon false or erroneous information; or

(c) that since the making of the declaration the hull, boilers, engines or other machinery, or any of the equipments of the steam-vessel have sustained any material injury, or have otherwise become insufficient."

This is the substance of the certificate of survey which is given. So, it is only under clause 13 that the certificate comes. That does not cover structural defects. The position will be that the surveyor will be giving a certificate under clause 13 which will cover only the mechanical defects and here the registering authority will want a certificate about the structural defects. So, it is really clause 12 that requires amendment. I shall look into it and in the meanwhile whatever we can do we shall do by rules.

Shri Hussain Imam: That is not enough. We should have it in the Act itself.

Mr. Chairman: It appears that clause 19F gives the registering authority the power to refuse registration on the basis of there being a mechanical defect, or, if you put in the words "structural defect", on the basis of there being a structural defect.

Shri Santhanam: That is because the applicant has to produce a certificate of survey which deals with mechanical defects. Unless he produces a certificate of survey, registration will not be given.

Mr. Chairman: Under 19D a certificate of survey has to be produced along with the application. All the same, under 19F the registering authority has to be satisfied before it allows registration. Mr. Sidhva wants that the Registering Authority should be competent to refuse on the basis of structural defect also.

Shri Santhanam: The certificate of survey will cover this point. If the certificate of survey says that there is a mechanical defect, immediately the registering authority will know that there is a defect, but according to the original Act the certificate of survey will not cover the structural aspect. Therefore, when the registering authority has to decide to give or to refuse registration, it will have no material. So, we will have to amend the original Act in order that the certificate will cover this point also, I am prepared to look into it and in the meanwhile in order to be consistent with the Act as it is, I suggest that my hon. friend should not press his amendment.

Shri T. T. Krishnamachari: May I suggest that my hon. friend is again wrong in taking shelter under a different clause altogether? If actually he feels that 19F is related to the clause that he has now quoted, what should be done is that clause (2) barring the proviso must go, because 19F (1) and the proviso are adequate for the purpose. There is a possibility of the surveyor refusing a certificate and the registering authority may for that reason refuse registration. But I cannot understand why my hon. friend should put in a superfluous sub-clause (2) and at the same time insist upon maintaining it in an inadequate form, allowing the person who has got a grievance to go to a court of law where none of the ingenious arguments of my hon. friend, and his able helper the hon. the Law Minister will save the matter from being decided in a judicial manner. The point is that if my hon. friend is correct and this

[Shri T. T. Krishnamachari]

clause stands by itself, then the obvious thing is to delete sub-clause (2) and keep the proviso. Then it will be all right.

Mr. Chairman: May I suggest for the consideration of the hon. Minister that the registering authority is given specific duties. In certain cases, in spite of the certificate of survey, the registering authority has got the power to refuse registration. As long as that power is there, it is the duty of the registering authority to see that mechanically the vessel is not defective, but if you do not put in the words "structural defect" then the registering authority will be able to examine the mechanical aspects only; it will not be able to say anything in regard to the other aspects of the vessel. Therefore, either (2) should be taken away, or as has been suggested by the hon. Minister, the rules may provide for the specific powers, duties and functions of the registering authority in so far as the exercise of these powers is concerned.

Shri Santhanam: If my hon. friend Mr. Sidhva is agreeable, then I am willing to accept my hon. friend Mr. T. T. Krishnamachari's suggestion to omit (2) and keep the proviso.

Shri Sidhva: What will happen then to 'mechanical' defects? This aspect would go. isn't it.....

Shri Santhanam: No. The certificate of survey would cover all aspects. As you will see, the registering authority is not a technical body and therefore ordinarily it will not be able to exercise its powers efficiently without the certificate, and the certificate of survey therefore would be quite sufficient. This sub-clause (2) is unnecessary.

Shri Hussain Imam: May I point out that this is quite essential? The registering authority may refuse to register; but if you do not give the authority the power to give registration, how can it refuse? Unless you give first the power to give registration the question of refusal cannot arise. Therefore, the power must be there; then only the proviso would come in. So, you should not delete this sub-clause.

Shri T. T. Krishnamachari: I am sorry to interrupt, but sub-clause (1) says:

"If the registering authority is satisfied that the provisions of this Act or of any rules made thereunder have been complied with..."

From this, it is clear that the provision of sections must be satisfied, or the rules made thereunder must be satisfied. Therefore, there is ample power for the registering authority to refuse registration.

Shri Santhanam: The proviso also provides for it.

Shri Hussain Imam: This must be reconsidered from a drafting point of view.

Shri Santhanam: If the proviso is kept, then the whole point is served.

Shri Hussain Imam: If you omit sub-clause (2), then the power to refuse registration is not given.

Shri Santhanam: It can only refuse if the certificate of survey is not given.

Shri Sidhva: May I know whether the hon. Minister will bring an amendment to clause 13 later on?

Shri Santhanam: We shall consider that. Immediately, I cannot say when the Bill will be introduced. We are considering the whole thing. A comprehensive examination of this and the Merchant Shipping Act is being made. But as the House will appreciate, it would be very rash for me to give any undertaking as to when the amendment will be brought. I shall keep this in mind.

Shri Sidhva: My fear is that if we omit this it may worsen the position. Therefore, I would request you, Mr. Chairman, to give a little thought to it and if necessary keep this over. We must examine whether clause 13 is sufficient for this purpose; if that is so, it is a different matter. Otherwise, if we omit this sub-clause, "mechanical" aspect also goes away.

Mr. Chairman: I think that we might keep this over for some time and proceed further. The next amendment.

Shri Sidhva: I beg to move:

In clause 3, after sub-section (2) of the proposed section 19F, insert the following new sub-section (3):

"(3) Any inland steam vessel which is intended for carrying passengers shall provide all necessities, conveniences, amenities for all classes of passengers as required under the Indian Merchant Shipping Act, 1923 (XXI of 1923) and under the rules made under this Act".

This is also a healthy provision that I am suggesting. There is a similar provision in the Merchant Shipping Act. I hope the hon. Minister will have no objection to it. Everyday, we are experiencing so many disasters due to the reasons cited by my hon. friend Mr. Hussain Imam and others. I want to make it as stringent as possible.

Shri Santhanam: I am afraid this provision is rather outside the scope of the present amendment of the Act contemplated by us. What we seek now to do is only to provide for the registration of vessels and matters ancillary thereto. We do not know what the conditions relating to passenger amenities are at the present moment in inland steam vessels. Without undertaking an investigation into those conditions and satisfying ourselves that improvement on the lines of the existing provisions in the Merchant Shipping Act is essential, it will be premature and unwise to legislate for this purpose, so to speak, off-hand. I shall certainly ask the State Governments to undertake an investigation into the present conditions and send us a report, and if necessary we shall bring a Bill for this purpose. But in the meanwhile, we do not want to complicate the present statute with such provisions.

Shri Sidhva: In view of the hon. Minister's statement, I do not press my amendment. It need not be placed before the House.

I beg to move:

In clause 3, in sub-section (2) of the proposed section 19-O, for the words beginning with the words "Any registering authority" and ending with the words "such authority", substitute the following:

"It shall be incumbent upon any registering authority to inspect at any time or at least once in six months any inland steam-vessel within the local limits of its jurisdiction."

This is also important. I desire that there should be surprise inspection also by the inspecting authority. There is no mention about that as it is.

Sub-section (2) of section 19-O reads:

"(2) Any registering authority may at any time require that any inland steam-vessel within the local limits of the jurisdiction may be inspected by such authority as the State Government may, by general or special order, appoint

in this behalf, and if as a result of such inspection, the registering authority is satisfied that the vessel is in such a condition that it is not fit to ply in any inland water, the registering authority may, after giving the owner of the vessel an opportunity of being heard, cancel the registration of the vessel and require the owner thereof to surrender forthwith to the registering authority, the certificate of registration in respect of that vessel, if it has not already been so surrendered."

What I am suggesting is that for the words beginning with the words "Any registering authority" and ending with the words "such authority" the following be substituted:

"It shall be incumbent upon any registration authority to inspect at any time or at least once in six months any inland steam vessel within the local limits of its jurisdiction."

Shri Santhanam: I would like to point out to the hon. Member that it is now impossible for anybody to go without registration. The object of the whole Bill is to make registration compulsory. Therefore, this amendment seems to me to be wholly superfluous, to put it mildly.

Shri Sidhva: That I admit so far as the first point is concerned—what about inspection?

Shri T. T. Krishnamachari: May I point out to the hon. Member that it cannot be incumbent upon anybody to inspect at anytime. It may be incumbent to inspect every six months or one year.

Shri Sidhva: The object of my amendment is that the vessel should be inspected every six months at least, if that is acceptable to the hon. Minister.

Shri Santhanam: There are rules for survey at periodical times; it is there in the original Act.

Shri Sidhva: I do not find anything there.

Shri Santhanam: Section 11 of the Act says:

"A certificate of survey shall not be in force—

(a) after the expiration of one year from the date thereof; or

(b) after the expiration of the period (if less than one year) for which the hull, boilers, engines or

[Shri Santhanam]

other machinery, or any of the equipments of the steam-vessel to which the certificate relates have been stated in the certificate to be sufficient; or

(c) after notice has been given by any Local Government, to the owner or master of such steam-vessel, that such Local Government has cancelled or suspended it."

So, every year it has to be surveyed.

Shri Sidhva: In view of this, I do not wish to press my amendment.

I beg to move:

In clause 3, after clause (g) of sub-section (2) of the proposed section 19R, insert the following new clause and re-letter the subsequent clause accordingly;

"(h) define in details what necessities, conveniences, and amenities for all classes of passengers shall be required by the owner of the vessel to carry out before a certificate of registration is granted."

Shri Santhanam: I suggest that the clause may be left as it is. About the suggestion made by Mr. Sidhva, I shall look into it.

Shri Sidhva: I do not want to displease my hon. friend. But I shall look into it' is a very vague wording. Why can he not tell us that he will provide for it in the rules?

Shri Santhanam: I shall look into it and see how far it can be complied with.

Mr. Chairman: Then I will put clause 3 to the House.

The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4 and 5 were added to the Bill.

Clause 6.—(Substitution of new section).

Shri Sidhva: I beg to move:

In clause 6, the proposed section 57 be renumbered as sub-section (1) of that section and the following sub-

section be inserted as sub-section (2):

"(2) Any owner or master contravening the provision of sub-section (1) of section 19A by refusing to register a steam vessel before proceeding on any voyage shall be punishable with fine which may extend to one thousand rupees."

Shri Santhanam: Before the hon. Member speaks, I may point out to him that clause 7, read with clause 4, covers the entire point. Clause 4 makes registration compulsory; clause 7 lays down the penalty for non-registration.

Shri Sidhva: In that event I would suggest that penalty should be increased to Rs. 1,000. This is a very important matter, because not only cargo, but also human beings are carried in these vessels. Even if we lay down Rs. 1,000 the magistrate is not going to impose it. He may impose an amount according to the nature of the offence.

Shri Santhanam: In order to cut short the discussion, I am prepared to accept a fine of Rs. 1,000 in place of Rs. 200.

Shri Venkataraman: If the hon. Minister accepts it, I will have to oppose it. This provision is known in law as a residuary clause. Where no penalty has been provided for a specific offence, a residuary clause provides a small punishment. To increase that amount to Rs. 1,000 in a residuary clause is not the proper way of legislating at all.

Shri Santhanam: I do not think. The original Act did not contain any provision for registration. It did not provide any penalty for non-registration. Now registration is a fundamental duty which we are introducing. And in these days when vessels cost many lakhs and lakhs of rupees I think a thousand rupees for non-registration is not much of a penalty.

Mr. Chairman: In fact the gravamen of the argument has been missed. It is not that the hon. Member Shri Venkataraman does not realize the position. But his argument is that in a residuary section the punishment should not be increased.

Shri Santhanam: It is residuary only in form, not in substance. No penalty for non-registration is provided in the original Act. It is for the first time that the penalty is provided.

Shri T. T. Krishnamachari: The suggestion of the Chair is the proper one, because it is a residuary clause.

Shri Santhanam: Then I withdraw the amendment.

Shri Sidhva: It is my amendment.

Mr. Chairman: In fact there is no amendment before me. Amendment No. 10 in the name of Mr. Sidhva has not been moved, and there is no amendment before the House.

Shri Sidhva: In my amendment the figure one thousand is there.

Mr. Chairman: The hon. Member wants that in so far as the question of fine is concerned the figure two hundred should be substituted by one thousand. There is no such amendment before me.

Shri Sidhva: I can do so with your permission.

Mr. Chairman: If the House agrees I have no objection, but if it does not I cannot agree to it.

I will put the clause to the House.

The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clauses 7 and 8 were added to the Bill.

Clause 9.—*(Insertion of new section 75).*

Shri K. Vaidya (Hyderabad): Here retrospective effect has been given, and even the penal clauses are made applicable retrospectively to proceedings that have been started before this provision is made applicable. I want to know what are the particular reasons why this Bill provides that we should go against the usual practice.

Mr. Chairman: Does the hon. Member want to move his amendments or not?

Shri K. Vaidya: Yes, I want to move them.

Mr. Chairman: His amendment (No. 2) cannot be moved as it is a negative amendment. He may move his amendment No. 3.

Shri K. Vaidya: I beg to move:

In clause 9, in the proposed section 75 of the *Inland Steam-Vessels Act, 1917*—

(1) Omit sub-section (2); and

(ii) Add the following Proviso:

"Provided that the repeal shall not affect—

(a) the previous operation of any law so repealed, or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed."

I do not think I have to say much in support of this amendment because it is clear that all the laws usually have no retrospective effect. In this particular case this section means that there should be retrospective effect. And the retropective effect is not only for the procedure but even for the penalty. It means that if any action was taken before this Bill the penalty that would be given would be such as was not provided then. Therefore I suggest that this amendment may be accepted because this section should not affect the proceedings that have already been taken.

Mr. Chairman: Amendment moved:

In clause 9, in the proposed section 75 of the *Inland Steam-Vessels Act, 1917*—

(1) Omit sub-section (2); and

(ii) Add the following Proviso:

"Provided that the repeal shall not affect—

(a) the previous operation of any law so repealed, or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed."

Shri Santhanam: Sir, I do not think there is any difficulty, because sub-section (2) says that whatever act was done will stand and there will be no retrospective effect with respect to that. So far as sub-section (1) is concerned we do not want any conflicting jurisdiction. There may be local Acts conflicting with this and this provision will supersede such provision in some States. It is in sub-section (1). So far as sub-section (2) is concerned, it provides exactly what my friend wants. I do not see any necessity for his amendment. Therefore his amendment is not acceptable.

Mr. Chairman: The question is:

In clause 9, in the proposed section 75 of the *Inland Steam-Vessels Act, 1917*—

(1) Omit sub-section (2); and

[Mr. Chairman]

(ii) Add the following Proviso:

"Provided that the repeal shall not affect—

(a) the previous operation of any law so repealed, or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed."

The motion was negatived.

Mr. Chairman: The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clause 1.—(Short Title).

Shri Santhanam: I beg to move:

For clause 1, substitute the following clause:

"1. *Short title and commencement.*—(1) This Act may be called the *Inland Steam-Vessels (Amendment) Act, 1951.*

(2) This section and sections 2 and 9 shall come into force at once, and the remaining sections shall come into force on such date as the Central Government may, by notification in the *Official Gazette*, appoint."

We are taking power to bring the other sections into force later, because some amount of preparation is needed. We have to give instructions to State Governments as to registration, etc. If you immediately bring them into force, the existing traffic may be dislocated. It is only to prevent any dislocation of the existing traffic that this amendment is necessary. I am also bringing in Madras State and Cochin State. It is made applicable to all.

Mr. Chairman: Amendment moved:

For clause 1, substitute the following clause:

"1. *Short title and commencement.*—(1) This Act may be called the *Inland Steam-Vessels (Amendment) Act, 1951.*

(2) This section and sections 2 and 9 shall come into force at once, and the remaining sections shall come into force on such date as the Central Government may, by notification in the *Official Gazette*, appoint."

Shri Sidhva: How long will it take to bring the other sections into force?

Shri Santhanam: We have to make rules and give instructions. Tomorrow if the whole thing is made applicable the traffic will come to a stop, because the vessels are not registered.

Shri T. T. Krishnamachari: May I know how my hon. friend proposes to remove the application of the Proviso to sub-clause (2) of clause 2 by this?

Shri Santhanam: I am sorry I made a mistake. This is only for clause (1). So far as clause (2) is concerned there are some Local Acts which we have not covered under this.

Shri Hussain Imam: Clause 2 also gives the extent.

Shri Santhanam: So far as clause 2 is concerned, at present the *Inland Steam-Vessels Act* does not apply to these Provinces (Madras and Travancore-Cochin). That is why the amendment cannot apply to them. We have not considered how far we can apply it to Madras and Travancore-Cochin. When we are ready to apply it, we will come with the necessary Bill.

Shri Hussain Imam: Clause (2) specifies the extent and the area to which it will apply. Clause 1 is only Short title. It is impossible to provide under Short title the extent and area. This should have been provided in clause 2.

Mr. Chairman: Clause 1 only says "This Act may be called the *Inland Steam-Vessels (Amendment) Act, 1951*". And clause 2 says "It extends to the whole of India except so-and-so." Therefore, clause 2 deals with the extent of the area. But in the amendment which has been moved I find, in part (2) of the amendment, that "This section...shall come into force at once, and the remaining sections shall come into force on such date...etc."

Shri Santhanam: This section amending the *Inland Steam-Vessels Act* shall come into force at once to the extent of sections 2 and 9, and it will come into force to the extent of the other clauses as soon as we bring the notification. It does not deal with the extent or jurisdiction of the Act. The original jurisdiction remains.

Mr. Chairman: I shall put the amendment to the House.

Shri Venkataraman: I want to speak on this amendment. The hon. Minister said that clause 2 of his amendment will come under the heading

Short Title. But if he refers to the second clause, he will find it prescribes the extent to which this Act will be applicable, that is to say, the whole of India except Jammu and Kashmir. It is only in that section, Sir, that any restraint with regard to the application of several sections can come in. If one relates to the territorial extension of this Act, the other prescribes the time at which the several sections come into operation and that is the way in which, as far as I know, legislation has been placed before this Parliament. It is very surprising that the hon. Minister should come forward and say that in the Short Title to a legislation.....

Shri Santhanam: Not only Short Title but the commencement.

Shri Venkataraman: I should be very much surprised to see any other Act in which the Short Title contains also a provision for the commencement of the Act and also restriction and the extension of several sections prescribed. At any rate, I think, it is wrong. I would suggest that clause 1 be as it is and that clause 2 be amended. After sub-clause 2, this sub-clause 2 which he has suggested as an amendment to clause 1 be interpolated in that place. It is only then it would make fair reading and become proper legislation. This is my suggestion, Sir.

Shri Santhanam: The original Act also says: "It shall come into force on such date in clause 1". Therefore, there is no substance in the objection.

Mr. Chairman: The question is:

For clause 1, substitute the following clause:

"1. *Short title and commencement.*—(1) This Act may be called the Inland Steam-Vessels (Amendment) Act, 1951.

(2) This section and sections 2 and 9 shall come into force at once, and the remaining sections shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint."

The motion was adopted.

Mr. Chairman: The question is:

"Clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

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

Shri Santhanam: I beg to move:

"That the Bill, as amended, be passed."

Shri Hussain Imam: I should like to state that the fact that in the original Act this formed part of clause 1 is no reason why we should perpetrate the same mistake. It may have been perfectly legal in those days.

Shri Santhanam: There is another instance, Sir. In the Merchant Shipping Act, 1894 you will find the same procedure is adopted. The first clause says: This Act may be called the Indian Merchant Shipping Act, 1894.

Mr. Chairman: We have already disposed of this point.

Shri Hussain Imam: Can we have two clauses in an amending Bill to amend one clause of the original Act? Here clause 2 is also an amendment of clause 1 of the original Act and clause 1 is also an amendment of the original Act. In an amending Bill usually one clause deals with the amendments of one clause of the original Act and not two clauses. Therefore, I wish to draw your attention to this and have a ruling from you on the subject, as to what is the correct procedure.

Mr. Chairman: There is no occasion for any ruling.

The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL

The Minister of Law (Dr. Ambedkar): I beg to move:

"That the Bill further to amend the Representation of the People Act, 1950, be taken into consideration."

This is a very short Bill and it seeks to amend the Representation of the People Act, 1950 which was passed by this House some time ago. The object of the Bill is to provide for the representation in the House of the People for the Scheduled Castes and the Scheduled Tribes in Part C States. As the House will remember under Articles 313 and 332, there is provision made by the Constitution itself for the representation of the Scheduled Castes and the Scheduled Tribes in Part A and Part B States. So far as Part C States are concerned, the matter has been left to Parliament and to the President. Article 82 of the Consti-

[Dr. Ambedkar]

tution says that so far as the representation of the people in Part C States is concerned, it shall be dealt with by Parliament and so far as the administration of Part C States is concerned, that is a matter which is left to be dealt with by Article 239. When the People's Representation Bill was before the House, it should have, as a matter of propriety also contained the provisions which are now included in this present Bill. But unfortunately, Government at that time had not got sufficient information as to the number of seats that were going to be allotted to Part C States in the House of the People, nor were they in possession of the tribes and the castes which were to be included in the provisions relating to Part C States. Consequently, these provisions had to be held back and they are now brought forth before this House.

There are really two points which require, I believe, some explanation. As the House knows, there are altogether ten Part C States. It has not been possible for Government to provide representation for the Scheduled Castes and the Scheduled Tribes in all the ten Part C States and the reason is this. We have had to consider two different propositions. One was whether the Part C States in which a provision was to be made for the representation of the Scheduled Castes and the Scheduled Tribes had sufficient number of seats, so that if a seat was reserved for the Scheduled Caste or for the Scheduled Tribe, the result would not be the complete disenfranchisement of the general population. Obviously, there are some States which are included in Part C States where the total representation given to that particular State is only one seat in the House of the People. For instance, Bilaspur is one such State. Coorg is one such State where one that is given. Obviously, it is not possible to apply the principle of reservation in cases of that sort, where a seat could be allotted to the Scheduled Castes, the result of which would be total negation of the representation in the general population. Therefore, in providing representation for the Scheduled Castes and Scheduled Tribes in Part C States, we have had to select only those States where there is room for both to be represented in the Lower House.

4 P.M.

The second principle that we have had to take into consideration was the totality of the population of the Scheduled Castes and Scheduled Tribes in

any particular Part C State. Where the population was very small, we have not thought it proper to give any representation. But, where the population is considerable having regard to the total population, we have thought that a seat might be given in those areas. Consequently, what the Bill does is this. It reserves seats for the Scheduled Castes in Delhi, Himachal Pradesh and Vindhya Pradesh, one seat in each of these three Part C States. Here, the House will see that there is no great resulting injustice for the simple reason that Delhi has four seats, Himachal Pradesh has three seats and Vindhya Pradesh has six seats. We have felt that these States could well afford to allow one seat to be given to the Scheduled Castes.

With regard to the Scheduled Tribes, we have selected Manipur and Vindhya Pradesh. There again, it does not seem that the reservation of seats to the Scheduled Tribes would cause any injustice to the general population. Manipur has got two seats. It is proposed in this Bill to reserve one to the Scheduled Tribes as you know the population of Scheduled Tribes in Manipur is very large. Secondly, we propose to give one seat to the Scheduled Tribes in Vindhya Pradesh which has got six seats. The rest of the States will have no representation either for the Scheduled Castes or Scheduled Tribes.

Now, I come to the question of the Schedule of Scheduled Castes and Scheduled Tribes. I might say that in this matter I have really no opinion of my own. These Castes have been supplied to us by the Home Department and the Census Commissioner who has made a most recent investigation into the matter.

[SHRIMATI DURGABAI in the Chair]

I hope that the list that is given in the Bill is an exhaustive one and that no important community which can be included either in the Scheduled Castes or in the Scheduled Tribes has been omitted. If any hon. Member draws my attention to any omission or to any addition of a community which ought not to be there, I have an open mind and I shall certainly consider any suggestion made to me on that account. I do not think that there is anything more that requires explanation. With these words, Madam, I commend my motion to the House.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Representation of the People

Act, 1950, be taken into consideration."

Shri J. R. Kapoor (Uttar Pradesh): I have listened to the speech just made by the hon. Law Minister with attention. I have also carefully read the Statement of Objects and Reasons of this Bill, and I have also carefully perused the various clauses of this Bill. But I must confess that I have not been able to appreciate the necessity of this Bill.

Shri Sonavane (Bombay): You will never.

Shri J. R. Kapoor: To me, the Bill appears to be an absolutely unnecessary one. I am afraid, the valuable time that will be spent in the consideration of this Bill could have been more appropriately devoted to the consideration of the many other important Bills that are pending before us. I will just explain why I say so and I hope I will be able easily to bring conviction to my hon. friend who has somewhat impatiently interrupted me. We are hard-pressed for time and I consider it not only unfair but improper that we should be called upon to indulge in this sort of luxury legislation, if I may say so.

What is it, after all, that this Bill seeks to provide? It seeks to provide, firstly, reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People. Secondly, it seeks to provide for specification of Scheduled Castes and Scheduled Tribes. If I draw the attention of the House to Article 330 of the Constitution, it will be apparent that the Constitution itself specifically provides for reservation of seats for the Scheduled Castes and Scheduled Tribes. Article 330 states:

"(1) Seats shall be reserved in the House of the People for—

- (a) the Scheduled Castes;
- (b) the Scheduled Tribes except the Scheduled Tribes in the tribal areas of Assam; and
- (c) the Scheduled Tribes in the autonomous districts of Assam."

Para. (2) of Article 330 runs as follows:

"(2) The number of seats reserved in any State"—

Not in a Part A State or Part B State, but in any State which obviously includes Part C States also—
"for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State..."

I need not read the rest. My contention is that this article 330 specifically provides that seats for Scheduled Castes and Scheduled Tribes shall be reserved in the House of the People in respect of any State. This word 'State' has been defined in Article 1 of the Constitution which reads thus:

'1. (1) India, that is. Bharat, shall be a Union of States.

(2) The States and the territories thereof shall be the States and their territories specified in Parts A, B and C of the First Schedule."

Therefore, Madam, it should be obvious that Article 330 read with Article 1 does specifically provide for reservation of seats in the House of the People for Part C States also.

Mr. Chairman: For the hon. Member's guidance, Article 330 covers only Part A and Part B States. The Constitution does not provide specifically for the Part C States.

Shri J. R. Kapoor: My contention is that Article 330 is not confined to Parts A and B States, but it extends its provisions to any State and according to the definition of 'State' in article 1, a Part C State is also covered. Therefore, my contention is that Article 330 is obviously wide enough to cover all States, Parts A, B and C.

Therefore, Madam, there is absolutely no necessity for bringing forward a Bill specifically again providing for the reservation of seats for the Scheduled Castes and the Scheduled Tribes in respect of the Part C States.

And then, Madam, I find from the Bill that it seeks not only to make this unnecessary provision for the reservation of seats in respect of the Part C States, but it goes further and even fixes the number of members who should be elected to fill up the reserved seats. According to clause 2 of the Bill we are asked to agree to a new section, section 3A which runs thus:

"Of the seats in the House of the People allotted under section 3 to each of the States of Delhi, Himachal Pradesh and Vindhya Pradesh, one shall be reserved for the Scheduled Castes; and of the seats so allotted to each of the States of Manipur and Vindhya Pradesh, one shall be reserved for the Scheduled Tribes."

Now, that means that we are called upon to commit ourselves for all times, unless of course amending legislation

[J. R. Kapoor]

is brought forward before the House to give one seat and no more and no less than one—of course there cannot be less than one—to the Scheduled Castes and the Scheduled Tribes of Part C States. In respect of Part A and the Part B States we may remember we have not specified either in the Constitution or in any Bills we have passed so far in respect of the representation or election of Members to the House of the People, as to how many seats shall be allotted to the Scheduled Tribes and how many to the Scheduled Castes. No doubt sub-clause (2) of Article 330 gives us the formula for the reservation of the seats, that it shall be in accordance with the population of the Scheduled Castes and Tribes in that State. That is reasonable, logical and understandable. But here it is sought to specifically fix the number. Obviously, in the case of Parts A and B States, this calculation is presumably left to be done by the Election Commissioner. But here the hon. Law Minister wants to arrogate to himself or to this House this function which normally, in the case of the Part A and Part B States has been vested in the Election Commissioner. I do not grudge the arrogating to this House of this right. But I feel that this is a wrong way of legislation. Suppose five years later, the number of the Scheduled Tribes and the Scheduled Castes increases in all these Part C States it becomes very much more than their present strength and they require according to Article 330 much more than the one or two seats that you are now providing here, what will happen? They will then be entitled to more seats but the present Bill will stand in the way. Therefore, I submit that this is an ill-conceived clause which is being incorporated here, which first of all unnecessarily asks us to reserve the seats and then makes us commit ourselves to a specific number of seats.

The second thing that this Bill seeks to provide for is to specify the Scheduled Castes, and the Scheduled Tribes who should be taken into consideration for the purpose of determining how many reserved seats should be provided for. Here also, I must submit that ample provision is made in the Constitution itself whereby merely by a notification of the President this thing could well be done. Article 341 provides that:

“The President may, after consultation with the Governor or Rajpramukh of a State, by public notification, specify the castes, races or tribes or parts of or

groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State.”

Similarly article 342 relates to a notification in respect of Scheduled Tribes. Of course, it might be said that in Part C States you have neither a Rajpramukh nor a Governor to be consulted by the President. But to that my reply is that visualising some such difficulty in the working of the Constitution, a specific article—Article 392—has already been incorporated in the Constitution itself which says:

“The President may, for the purpose of removing any difficulties, particularly in relation to the transition from the provisions of the Government of India Act, 1935, to the provisions of this Constitution, by order direct that this Constitution shall, during such period as may be specified in the order, have effect subject to such adaptations, whether by way of modification, addition or omission, as he may deem to be necessary or expedient:”

Therefore all the words, “addition”, “omission” and “modification” are there. Therefore, I say that immediately any such difficulty is experienced, the President may be requested to issue a notification under article 341 adapted or modified by article 392, saying that for the purpose of reservation of seats for Scheduled Tribes and the Scheduled Castes, the following castes shall be considered as Scheduled Castes and the following tribes shall be considered as Scheduled Tribes. Therefore, I submit that this Bill is unnecessary. The provision relating to reservation of seats is already there and the specification of the Scheduled Tribes and the Scheduled Castes could be done by a notification by the President. I therefore, submit that this Bill may very well be withdrawn and no more time need be spent over its consideration.

The question, however, may arise as to why the Law Minister, an intelligent man that he is, and an eminent jurist as he is, should have taken to this unnecessary course of coming forward with an absolutely unnecessary piece of legislation.

An Hon. Member: *Teek hai* (It is true)

Shri J. R. Kapoor: I am obliged to my hon. friend for giving me such encouragement and support. I have

been at pains to find out what could be the reason for the Law Minister to come before us with such an unnecessary piece of legislation. I could find very easily the reason. About two days ago I read in the papers a speech which he delivered while laying the foundation stone of a building. He had the boldness, indeed very great boldness to...

Dr. Deshmukh: I wonder whether this is all relevant.

Dr. Ambedkar: This Bill was introduced long before the speech was made.

Shri J. R. Kapoor: I would not indulge in any irrelevant remarks. I am trying to bring home to hon. Members of this House that this Bill is absolutely unnecessary. The question obviously would arise in the minds of hon. Members as to why an eminent jurist and an eminent lawyer like Dr. Ambedkar should ask us to enact an unnecessary piece of legislation. I have to prove that it is not the necessity or the propriety of this legislation (*Interruption*) that has made him to come before us but it is some extraneous considerations which are actuating him to come before us...

Mr. Chairman: Is it the contention of the hon. Member that this Bill exclusively belongs to Dr. Ambedkar? It is a Government Bill.

Shri J. R. Kapoor: Technically speaking, it belongs to the Government but I wonder whether Government or his other colleagues have really applied their minds to this Bill. (*Several Hon. Members: Oh! Oh!*) I am paying a tribute to Dr. Ambedkar that he can easily persuade his colleagues to believe that something like this is necessary and he may persuade them to think—as he must be enjoying their confidence—that they need not so meticulously enter into every little detail of the Bill and they may well depend upon his ability and his prudence.

Mr. Chairman: Is not the hon. Member one of those who consented to the introduction of this Bill in the Parliament?

Shri J. R. Kapoor: I suppose the convention in this House has always been that no Member should stand to oppose the introduction of a Bill. I for one would be happy if hereafter that convention is to be broken and it will be open to hon. Members of this House to oppose even the introduction of a Bill. Anyway, I hope, Madam, it is not your intention to stop me

from proceeding further with my speech merely on the ground that since at that time I had not opposed the introduction of the Bill I cannot speak now to oppose it.

My submission is that this Bill is merely an election stunt of which the hon. Dr. Ambedkar wants to take the fullest advantage. He would like us and the world outside to believe that he and he alone has the interest of the Scheduled Castes and Tribes at hearts, so much so that even the Constitution-makers were not wide awake at that time and other hon. Members of this House who represent the Scheduled Castes and Tribes had never thought of it and that he has now come forward before the House as the saviour of the Scheduled Castes and Tribes with this legislation: and he would wish the world to believe that for the first time the interests of the Scheduled Castes and Scheduled Tribes in Part C States are going to be protected. He has in that speech, to which I referred earlier, accused the hon. Scheduled Caste Members of this House of not being vigilant enough to protect the interests of the Scheduled Castes and he would like to arrogate to himself all the credit. I submit, Madam, these are the considerations..... (*Interruptions.*)

Shri Sonavane: Madam, on a point of order, I would like to know how the reference to the Scheduled Caste Members of this House has any relation to the Bill that is before the House. Will not references made outside be out of order?

Shri J. R. Kapoor: I am trying to prove what is the motive behind the Bill, whether there is any propriety or necessity.....

Shri Ethirajulu Naidu (Mysore): Can an hon. Member attribute motives to the hon. Minister that he has been moved by extraneous considerations other than the subject matter of the Bill—that is what he said and was dilating upon—Madam, you may consider whether personal motives can be attributed to any Member.

Shri J. R. Kapoor: I would not dilate very much on it but I feel.....

Shri Ethirajulu Naidu: Would you give a ruling on the point of order raised by me?

Mr. Chairman: Order, order. The hon. Member wants a ruling on the subject. I would like to say that the hon. Member's attention has been drawn to that position. If only he is given a few more minutes to make

[Mr. Chairman]

his statement, then other hon. Members may also make their statements.

Shri J. R. Kapoor: Madam, I may not have used the word motive. I would ask what are the reasons behind the Bill? The reasons are not the necessity or the propriety of it but the reason is that the hon. Law Minister wants to make capital out of this Bill for election purposes...

Mr. Chairman: Without dilating upon the motives behind this Bill I would beg of the hon. Member to speak on the merits of the Bill as it is.

Shri J. R. Kapoor: I have already spoken on the merits or the absence of merits of this Bill. I could only speak of the demerits of this Bill.

Sardar B. S. Man (Punjab): On a point of order, Madam, you have ruled that motives could not be discussed. May I ask whether motives, intentions or merits can be divested from each other?

Mr. Chairman: The ruling will be that only motives need not be always dilated upon.

Sardar B. S. Man: It depends upon the emphasis that one wishes to make.

Mr. Chairman: It is a matter of opinion.

Shri J. R. Kapoor: If you wish me not to rub the point too much I will not rub it any further.

Dr. Ambedkar: You can do it: I have borne all this for 25 years.

Shri J. R. Kapoor: I think the hon. Law Minister is bold enough, audacious enough and he can go even to the length of condemning his colleagues in the Government: he has that boldness and audacity. I would very much like to know whether it is in the propriety of things that one Cabinet Minister should outside the House condemn other Cabinet Ministers. (An Hon. Member: All irrelevant.) I should think it is not irrelevant. Sitting in the Parliament we are anxious to see that democracy is properly worked and on every occasion hon. Members in this House must be on the watch to see that nothing which is contrary to democratic principles of Government is allowed to go on and I do submit, Madam, that at the earliest opportunity we should express ourselves that we are very apprehensive of this sort

of thing going on between one Cabinet Minister and his other colleagues.

In conclusion I would only submit that every Member of this House is as much interested as and perhaps more interested than the hon. Law Minister in protecting and safeguarding the rights and privileges of the Scheduled Castes and Scheduled Tribes. They are absolutely equal to us and I would even say they are flesh of our flesh and bone of our bone. We want to treat them absolutely on an equal footing and I would even be prepared to give them more privileges that they may be entitled to not on the basis of their population alone and I would not grudge to give them any amount of representation. But my submission is that there was no necessity for this Bill to be brought before us for reasons which I have already submitted. I have done.

Shri Raj Bahadur (Rajasthan): Why should the hon. Member be so upset? It is only his first election speech.

Shri Chandrika Ram (Bihar): I was very sorry to hear the speech of my hon. friend Mr. Kapoor regarding the Scheduled Castes. The Scheduled Castes have been neglected, no doubt, throughout the length and breadth of the country for the last so many centuries, but since the Government of India many years back took over the responsibility for the Centrally Administered Areas the conditions which were very bad indeed there were made deplorable. Whereas in the other States—Part A and Part B States as they are called in the Constitution—they have got legislatures and other elected bodies, in the Centrally Administered Areas there are local advisory councils presided over by the Chief Commissioner who never cared for anybody. In the Constituent Assembly we moved an amendment for the inclusion of Chief Commissioners also in article 341 which says:

"The President may, after consultation with the Governor or Rajpramukh of a State, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State."

At that time the learned Law Minister said that as these Part C States are governed by the President himself according to article 239 of the

Constitution, there is no need for the inclusion of Chief Commissioners in article 341. The entire difficulty arose that way and the need for the introduction of this Bill today is that in that article Chief Commissioners are not included and the President could not consult anybody for purposes of issuing notifications for Part C States.

Shri J. R. Kapoor: What I said was that under article 392 the President could make the necessary adaptations and additions in article 341, under which the Scheduled Castes could be specified even in respect of Part C States.

Shri Chandrika Ram: But the difficulty is this. If you read clause (2) of article 341 you will find it reads:

“(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of, or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.”

Therefore, under this article the President is not in a position to issue another notification. Only Parliament is competent to do it.

Shri J. R. Kapoor: The question of another notification does not arise because the President has not so far issued any notification for any Part C State.

Shri Chandrika Ram: This matter was also raised with the Law Ministry, the Home Ministry and the States Ministry. We, who represent the Scheduled Castes in this House ran from one Ministry to another and consulted one Minister after another. Every one of them said that as there was no constitutional provision, notifications could not be issued regarding Part C States. When the original Bill was moved here, I moved an amendment in this House but it was not accepted on that very ground. The different organisations belonging to the Scheduled Castes, especially the Bharatiya Depressed Classes League, of which I am the General Secretary, submitted a long memorandum to the President, to the Prime Minister, to the Law Minister and to the hon. Shri Jagjivan Ram in this matter. After great consideration this proposal has been brought before this House. Madam, let me inform the House that justice has not been done

to these unfortunate people in these Centrally Administered Areas of the country. We speak very much against the State Governments of the various States but what about the Part C States? In my own State of Bihar there are all kinds of facilities for Harijans for reading, writing and in the services. But what do we see in the Centrally Administered Areas? Even education for the Harijans is not free. There are no arrangements for scholarship and other facilities. The Government of India have appointed a Board to deal with these matters. Last year they received about 100 applications from the students reading in colleges, but only five to seven could get scholarships. And in many of the other States, in my State of Bihar for instance, all the students reading in colleges get a stipend of Rs. 35 a month. So, the condition of these people in the Centrally Administered Areas is very bad indeed. As regards the representation of these people, there is no representative of theirs in this House. They have always been neglected by the Central Government.

The responsibility for the administration of the Part C States is that of the Central Cabinet where the learned Law Minister is also a Member. May I ask what he has done for these people for the last three or four years he has been in the Cabinet? I have seen that the Law Minister who calls himself the saviour of the Scheduled Castes was silent on this issue in the Constituent Assembly and even on the last occasion when a Bill was moved for Part C States' representation. Therefore, if he comes with a Bill for the representation of these people now, it should not be opposed by any Member of the House. As we know, the number of Scheduled Castes in these Centrally Administered Areas is something like fifteen to twenty lakhs. I have moved an amendment that where they do not have representation, as for instance in Coorg, Ajmer, Tripura, they should be given representation. The Scheduled Castes in those places have not even been listed as Scheduled Castes. I do not know whether the Law Minister will be able to accept my amendment and list these people as Scheduled Castes. I do not say that wherever these people are, they must be given representation in the Councils, Assemblies and Parliament. That is not my demand. If the population of these people does not warrant representation, do not give it to them. If on the other hand, their number warrants please

[Shri Chandrika Ram]

give them representation and if you want to give them a fair deal and justice, at least include them in the list of Scheduled Castes so that facilities in education, services, representation in local bodies, and facilities even for drinking water can be given to these people. That is my only argument. I must say that in my opinion the Central Government has not done justice to these people and the larger share of the responsibility for that falls upon the two Harijan Ministers in our Cabinet, especially upon Dr. Ambedkar who has been making public speeches that people in Parliament belonging to Scheduled Castes and Scheduled Tribes are doing nothing. I do not think this attitude of Dr. Ambedkar is fair, justified or warranted. Therefore, when we are working under a democracy and have laid down adult franchise in the Constitution for everybody, if these unfortunate people in the Centrally Administered Areas get adult franchise and get representation, there should be no grudge and nothing should be said against this. If any hon. Member gets up and opposes it, I shall say that he is acting against the principle laid down by the Father of the Nation—Mahatma Gandhi.

Regarding the representation of these people in this House—and this is the only House in which they can be represented because there is no other House going to be established in the Centrally Administered Areas,—I should say that their representation is not fair. Delhi with a population of 15 lakhs will have three representatives in this House, but the number of these people in the Centrally Administered Areas is about 20 lakhs and yet they will have only three representatives, that is to say, one representative less calculating on the basis of one representative for every five lakhs. And yet people say that this Bill has been introduced to give representation to these people who are less in number in the Centrally Administered Areas.

In the end, I shall only say that there are other castes and communities which are Scheduled Castes and which have been recognised as Scheduled Castes by the Government of India in the Ministry of Education. As soon as the President declared a Scheduled Caste list a schedule was published and this list was published in respect of Scheduled Castes and Scheduled Tribes for pur-

poses of scholarships only. I would request the hon. Law Minister to accept this list, so that those who are included in it may get the facilities that Scheduled Castes in other States are getting. With these words, I would request the hon. Minister to accept my amendment when I move it at the proper time.

Sardar Hukam Singh (Punjab): There cannot be any objection to the Bill under discussion. I feel that it was essential and has come in good time. I cannot persuade myself to agree with my hon. friend Mr. Kapoor when he said that there was no necessity for this Bill or when he questioned its propriety. Article 341 gives power to the President to specify the classes which may be included in the list of Scheduled Castes, but obviously if we read that article the intention was that it might be confined to Parts A and B States. That article did not concern Part C States. Therefore it was that it was mentioned that it would be done with the consultation of the Rajpramukhs or the Governors of those States. The other provisions in that Chapter also relate to only Parts A and B States. Therefore, there cannot be any doubt that Part C States were not provided for so far as the specification of Scheduled Castes was concerned. Again, it has been mentioned that Article 392 could be availed of for the removal of difficulties by the President, but that Article does not apply, if we look at that Article closely. It reads like this:

“The President may, for the purpose of removing any difficulties, particularly in relation to the transition from the provisions of the Government of India Act, 1935, to the provisions of this Constitution, by order direct..... etc..... etc.....”

Therefore, these two articles could not be availed of and there was necessity for this Bill. Then, it has been said that 341 (2) gives powers to the Parliament when an order by the President has been made. The Parliament is authorised to add to or subtract from or omit any caste from that schedule, but this is the general power, I suppose, that is vested in the Parliament that is being exercised in enacting the Bill now before us.

As I have said, the Bill was essential and it has been brought at the right moment before the elections which are so near at hand. There

is a separate list for every State and I feel that some Members who spoke were right when they pointed out that some castes which are specified as Scheduled Castes in one State may not be specified as such in the adjoining States. There are certain entries in the lists before us which to my mind give rise to some doubts, and I want the hon. Minister to kindly clear the position. So far as Delhi is concerned, there are two castes included in Nos. 5 and 6: Banjaras and Bawarias. But these people are not included in the list under Himachal Pradesh. These Banjaras and Bawarias are to be found in Himachal Pradesh as well in good numbers.

Dr. Ambedkar: If my hon. friend will see entry No. 6 under Himachal Pradesh, he will see Bhanjra there.

Sardar Hukam Singh: I am referring to Banjara and not Bhanjra.

Dr. Ambedkar: So it is a question of pronunciation.

Sardar Hukam Singh: No. They are different castes altogether. A Banjara is a different tribesman from a Bhanjra. Then again, Mazhabi entered as item 16 under Himachal Pradesh has not been entered under Delhi. These people are included in the list of Punjab and Pepsu and after the partition a good number of them have migrated to the adjoining States and some have come to Delhi too apart from a good number who have gone to Himachal Pradesh. When the local authorities in those States collected the figures, they may have thought that their number was very small, but then it would be a handicap for them if they are not included. As we know, these are either landless workers or labourers. The Banjaras move from one State to an adjoining State in search of employment and they eke out their livelihood. It would be a difficulty for them if they are deprived of their representation and the other concessions which they may otherwise be entitled to enjoy. Then there are one or two other entries. One such is No. 19 under Delhi—*Julaha* (Weaver). Then under No. 14 under Himachal Pradesh it is given as Kabirpanthi or *Julaha* or *Keer*. These Kabirpanthis and the *Julahas* are two different castes. They are not one and the same.

Dr. Ambedkar: Sometimes, it is one caste with two names.

Sardar Hukam Singh: That is not so here. These are two distinct and

separate castes. Therefore difficulty would arise. Then again, there is entry No. 23 under Himachal Pradesh—*Ramdasi* or *Ravidasi* but under Delhi entry No. 32 reads *Kam Dasia*. I would like to know from the hon. Minister whether *Ramdasi* and *Ravidasi* are two different castes and if they are—as in my opinion they certainly are—then why should that be omitted from Himachal Pradesh? In entry No. 33 under Delhi it is given as *Ravidasi* or *Raidasi* but under Himachal Pradesh against entry No. 23 it is given only as *Ramdasi* or *Ravidasi*. So, there is a confusion. I am not aware of the actual denominations by which they may be called, but there is certainly some confusion and those castes have not been included in Himachal Pradesh under those two separate heads. My only point is that these provinces, Punjab, Pepsu, Himachal Pradesh and Delhi are contiguous areas and people keep on moving from one State to another in search of livelihood. Therefore if these poor classes are not included in the lists of all the States, they would be deprived of a concession which the Constitution wanted to give them and the whole object of ours would be frustrated. Therefore, I want to draw the special attention of the hon. Minister to this matter. I had sent an amendment on this point this morning, copy of which he would by now have received. I would request him to give it his earnest attention.

With these few words, Sir, I support this motion.

Shri Sonavane: I rise to support this Bill and to congratulate the Government on bringing this measure before this august House. I was, therefore, surprised to see why the mind of Mr. Kapoor was so confused today. As is usual with Mr. Kapoor to speak on every Bill, he did today without any justification.

A cursory reading of article 332 (1) and article 341 (2) would have made it clear to Mr. Kapoor that this measure was necessary. My hon. friend simply relied too much on article 330 (2), caught hold of words "in the State" and went on arguing with that, oblivious of the fact that there are other articles. I would draw his attention to article 332 (1) which conditions and qualifies article 330 (2). Article 332 (1) reads thus:

"Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, except the Scheduled Tribes in the tribal areas of Assam, in the Legislative

[Shri Sonavane]

Assembly of every State specified in Part A or Part B of the First Schedule."

Shri J. R. Kapoor: We are not dealing with the State Assemblies; we are dealing with the House of the People.

Shri Sonavane: I would also draw the attention of the hon. Member to Article 341 (2) which reads:

"Parliament may, by law include in, or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

In view of these provisions in Part XVI I think the measure that has been brought forward is absolutely essential and Mr. Kapoor should not have raised his voice against it.

I would now come to another aspect of this question to which the hon. and learned Law Minister should pay attention. The measure specifies certain castes in the Sixth Schedule. But there are other Scheduled Castes in other States. These Scheduled Castes when they go over to other States, are not recognised as such and would not enjoy the rights given to them by the Constitution and so would not get reservations. He would remain an untouchable, suffering all the disabilities and disadvantages, with none of the rights and other benefits that would have accrued to him if he had remained in his original State. Therefore my point is this. A Scheduled Caste man in one State even if he migrates to another

State should be equally entitled to all the benefits under the Constitution. I would request the hon. the Law Minister to embody a provision to this effect. By excluding the Scheduled Castes from the enjoyment of such privileges, when they move from one State to another there has been a restriction on their movement from one State to another. Therefore, I would earnestly request the hon. Minister to consider the insertion of a proviso to section 3A by which all persons who are Scheduled Castes in their States should get automatically all the rights and benefits if they migrate to States other than their own.

The third point that I would like to bring to the notice of the hon. Minister is that the Scheduled Caste lists are defective and many castes which are untouchables in the different States are omitted and no efforts are being made to see that these castes are included in the Union List as also in the list of those States. The hon. Minister said that this list is exhaustive and no caste has been omitted. But I think he has failed in his duty to see that all the Scheduled Castes were brought on the Provincial Scheduled Caste List as also on the Union Caste List. Many representations have been sent to the Home Minister and to the Law Minister about those untouchable castes.

Mr. Chairman: Is the hon. Member likely to take a long time?

Shri Sonavane: Yes, Madam.

Mr. Chairman: Then he may continue his speech tomorrow.

The House then adjourned till a Quarter to Eleven of the Clock on Thursday, the 19th April, 1951.