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PARLIAMENTARY DEBATES

PARLIAMENT OF INDIA

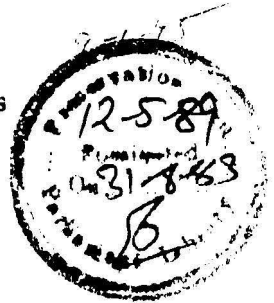
OFFICIAL REPORT

Part I—Questions and Answers

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

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PARLIAMENT OF INDIA

Tuesday, 25th September, 1951

*The House met at Half Past Eight
of the Clock*

[MR. DEPUTY-SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

DELHI POLYTECHNIC

*1262. **Shri Raj Kanwar:** Will the Minister of Education be pleased to state:

(a) when the Delhi Polytechnic was established;

(b) whether there is any proposal for its affiliation to the Delhi University;

(c) if so, whether the University and Government have formulated their views thereon; and

(d) when a final decision in the matter is likely to be made?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) In 1941.

(b) Yes.

(c) and (d). The University has agreed to affiliate, subject to certain conditions, three senior departments, viz., Engineering, Applied Science and Commerce and has suggested certain steps to be taken in regard to the Department of Textile Technology, so that it could consider the affiliation of this department. Necessary steps are being taken to complete the formalities for the purpose of affiliation.

Shri Raj Kanwar: May I know what is the number of students in this Institute?

Shri Sri Prakasa: I am sorry that information is not available in these papers.

Shri Raj Kanwar: Is it a fact that both the students and their guardians
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and parents have been clamouring for long for the affiliation of this Institute to the Delhi University?

Shri Sri Prakasa: I don't know about the clamouring of the students and their parents; but I do know that as far back as 1946 the Institute itself applied for affiliation to the University of Delhi and that negotiations are still going on. It is hoped that this institution will be affiliated to the University in the subject of engineering, commerce, chemical engineering, technology, etc.

Shri Kesava Rao: May I know whether the diplomas given by the Delhi Polytechnic are recognised by the other Universities?

Shri Sri Prakasa: I cannot say that off-hand, but I think that that is so.

Shri Sondhi: In view of the fact that five long years have already passed for the affiliation question to be finally decided, can I have the assurance of the hon. Minister that the matter will now be expedited?

Shri Sri Prakasa: Well, Sir, the Government machinery always moves slow...

Shri Sondhi: Give it a push.

Shri Sri Prakasa:.....and it takes time to finalise things; and I cannot give any assurance as to when the matter will actually be finalised.

Shri Raj Kanwar: How long more will it take to finalise this affiliation?

Shri Sri Prakasa: May I draw the attention of the hon. Member to the answer I have just given?

Shri Sondhi: Is the hon. Minister aware that when the matter was taken up by the Finance Committee an assurance was given to the Committee that the matter will be expedited before long? It was two years back that assurance was given to us.

Shri Sri Prakasa: So far as the Government is concerned, the hon. Member need not be angry with it because the matter lies between the Polytechnic and the Delhi University, and the hon. Member may address more usefully..... /

Shri Sundhi: Is it not a Central subject?

Shri Sri Prakasa: There are a large number of Central subjects but a number of autonomous institutions function under the Central Government.

Mr. Deputy-Speaker: That is an autonomous body under the Constitution.

BOMBAY TELEPHONE COMPANY

*1264. **Shri D. S. Seth:** Will the Minister of Home Affairs be pleased to state:

(a) whether the premises of the Bombay Telephone Company were raided and searched by the Special Police Establishment sometime in the first week of March, 1950;

(b) whether the residence of the General Manager of the Company was also raided and searched;

(c) the number of the persons arrested as also the charges against them;

(d) whether Government had received any reports of corruption in the management of the Company's affairs before the police raid or arrests; and

(e) whether Government propose to set up an enquiry to investigate if corruption on a wide scale prevails in the management of the Company?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). Yes, Sir. The premises referred to were searched.

(c) None was arrested but some documents were seized and investigation is under way for the prosecution of certain persons under Section 420, 488, 471 and 161 I.P.C.

(d) Information against certain individual members of the staff of the Company were received before the police search.

(e) Government see no need to set up a general enquiry of the sort suggested in the question. We cannot set a house on fire to roast a pig. A quiet watch is better than setting up an enquiry.

Shri Sidhva: May I know whether the General Manager is involved in this affair?

Shri Rajagopalachari: As I said, investigation is under way and I would prefer not to answer questions.

DEVELOPMENT OF TRIBAL AREAS

*1265. **Shri Kesava Rao:** (a) Will the Minister of Home Affairs be pleased to state what is the amount spent for the development of Tribal areas State-wise for the period 1949-50 and 1950-51?

(b) What are the development schemes for which this money has been spent?

The Minister of Home Affairs (Shri Rajagopalachari): (a) No amount was spent by the Central Government for the development of Tribal Areas in 1949-50. In 1950-51, a sum of Rs. 24 lakhs was sanctioned for development schemes for Tribal Areas in Assam; out of this the State Government spent Rs. 8 lakhs.

(b) The details have been called for and will be furnished when received.

Shri Kesava Rao: May I know whether there is any co-ordination of work between the State Governments and the Centre?

Shri Rajagopalachari: Yes, Sir. There is a great deal of co-ordination.

Shri Rathnaswamy: Out of the sum of Rs. 24 lakhs set apart for the development of tribal areas, was any allotment made to Madras?

Shri Rajagopalachari: As I said, the sum of Rs. 24 lakhs was allotted for Assam in 1950-51. The hon. Member is probably thinking of the present year?

Shri Rathnaswamy: 1950-51.

Shri Rajagopalachari: Rs. 24 lakhs was sanctioned for the scheme for Assam only; no question of Madras arises. But I might tell the hon. Member that the current year provides for Madras along with other States.

Shri Saprawnga: May I know whether it is a fact that no detailed development schemes have been received from the Government of Assam?

Shri Rajagopalachari: I have already answered that details have been called for and will be furnished when received.

Shri J. N. Hazarika: May I know in which areas the amount of Rs. 24 lakhs has been spent? Was it for autonomous areas or for other tribal areas?

Shri Rajagopalachari: If the question is again about the distribution in Assam, I have said the details have been called for and will be furnished on receipt.

Shri Rathnaswamy: May I know whether the development of these tribal areas also includes the raising of the general conditions, particularly in regard to the education of these tribes?

Shri Rajagopalachari: When money is granted it is granted for the improvement of the tribal people and the development of that area; and from time to time schemes are progressively made, developed and carried out and it involves improvement all round in that area.

INCREASE IN PAY

*1267. **Shri Sidhya:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the pay of a number of staff employed in various offices of the different Ministries was substantially increased by their promotion against the higher grade posts left vacant by Muslims who migrated to Pakistan as a result of the Partition;

(b) whether it is also a fact that after the Partition the pay of the war-time deputationists in a Ministry was substantially increased in many cases to much more than the pay due to them in their parent offices, by the accrual of increments for the deputation period for which they had already been granted a deputation allowance; and

(c) whether it is a fact that as compared with the advantage accrued to the staff working in India before the Partition, there are still a number of displaced government servants now serving in the Ministries whose pre-Partition officiating pay has not been protected?

The Minister of Home Affairs (Shri Rajagopalachari): (a) It is true that some vacancies that arose out of Pakistan options were filled by promotion from those below and they drew the higher pay of the posts to which they were promoted. Vacancies created by the departure of Pakistan optees were reserved in the first instance for being filled by surplus Government of India optees coming from Pakistan areas. This was without prejudice to the rights of promotion of permanent employees already serving in India. In the absence of such optees, the permanent

employees in lower grades entitled to promotion to the higher posts in the normal course, were first considered for vacancies in these higher posts. If no such permanent employee was found suitable, displaced Government servants from Sind and N.W.F.P. were considered for such vacancies, and only if no such suitable displaced Government servant was available temporary employees in lower grades were entitled to be considered for promotion. In a certain number of cases, it is possible that temporary employees were in fact promoted because they were considered definitely more suitable for the posts in question than the displaced Government servants entitled to consideration. Promotion to higher Grades carried with it increase in pay under the normal rules.

(b) Persons on deputation are either granted Deputation Allowance in addition to pay in their original scale or brought on to the time scale of pay of the post to which they are appointed. In the former case, they draw the increments which accrue to them in their original scale in addition to the deputation allowance, while in the latter case they draw increments in the new scale but without deputation allowance.

(c) The basis on which the pay of immigrating Government servants who were employed under the Government of India was determined was explained in detail in reply to Shri T. N. Singh's Question No. 1835 on the 1st March 1951. It is quite possible that in some cases the pay fixed may be less than the officiating pay, the employees drew while they were in Pakistan. The circumstances out of which these cases arose were indicated in that reply.

Shri Sondhi: The question list is blank. There is absolutely nothing printed in my copy. How can I ask any questions? It looks as though the printing machine has failed.

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): Take your neighbour's list.

Mr. Deputy-Speaker: If there are many such sheets I shall take notice. At present, the hon. Member can borrow the list from his neighbour.

Shri Rajagopalachari: If it is a supplementary question, it may be addressed to another Department.

Mr. Deputy-Speaker: I suppose it is addressed to me.

Shri Sidhya: The hon. Member has been good enough to give full information as regards this question. (Interruption.)

Shri Rajagopalachari: I have given a long answer. I wish the hon. Member studies it and then puts questions, instead of 'supplementarising' now. I generally anticipate and give full answers.

Mr. Deputy-Speaker: I would also suggest that supplementaries need not necessarily be put on the floor of the House. The hon. Minister anticipates supplementaries and gives as full an answer as possible. Still if some points are to be elucidated, the present answer may be studied at leisure and then questions may be put.

Shri Rajagopalachari: I would ask the hon. Member to read not only the present answer which is a long one but the other answer to which I have referred which has been given even at greater length.

Shri Sidhva: I had not finished when I was interrupted. While the hon. Minister has been good enough to give a long explanation—personally I think such a long statement might have been placed on the Table—I think it is good that he has read it in the House. I am prepared to accept his advice and also your advice. But my difficulty is that the question period is over. Even in regard to a question that I sent today, the office has told me that the date is over. Unless you permit me to put a Short Notice Question, in justice to myself I cannot stop from elucidating some more points. I do not want to embarrass Government in any way but this is my difficulty.

Mr. Deputy-Speaker: I will consider that. But I will make one suggestion. Such hon. Members as have no time on the floor of the House to look into such statements can send a small letter to the hon. Minister asking for further elucidation with respect to other matters. Hon. Members should not feel that there is an ever-increasing gulf between one side and the other.

Shri Rajagopalachari: Apart from disputations and arguments, I am ready to give any information.

Shri Sidhva: Then do I understand that I will have to write to him?

Mr. Deputy-Speaker: Yes. In exceptional cases where the answer to the question has to be given on the floor of the House, I shall consider short notice.

Shri Sidhva: It is better that you send my letter to him.

Mr. Deputy-Speaker: I have no objection. I shall do so.

DISPLACED GOVERNMENT EMPLOYEES

*1268. **Shri Sidhva:** Will the Minister of Home Affairs be pleased to refer to the reply to part (a) of Starred Question No. 2315 asked on the 19th March 1951, and state:

(a) when the information promised to be placed on the Table of the House is likely to be collected; and

(b) what are the reasons for the delay in the collection of that information?

The Minister of Home Affairs (Shri Rajagopalachari): (a) The statement is placed on the Table of the House.

(b) As the information had to be collected from all the Ministries who, in their turn, had to make enquiries from their Attached and Subordinate Offices throughout India, a certain amount of delay was inevitable.

STATEMENT

The displaced Government employees from Sind and the North West Frontier Province who have been confirmed.

(i) Total number of displaced Government employees from Sind and the North West Frontier Province who were confirmed (i) up to 21st February 1950,—358, and (ii) thereafter, up to 28th February 1951.—149.

(ii) Total number of such displaced Government employees who are in the service of the Government of India but who have not been confirmed so far—4,738.

NOTE.—The above information is in respect of the persons in service on the 28th February 1951, in offices under the Government of India and excludes persons employed in Part 'C' States and the Andamans.

Shri Sidhva: The statement shows that 4738 displaced government servants are yet to be confirmed and only 500 have so far been confirmed from the date of partition. May I know within what period these unconfirmed displaced government servants will be confirmed, because there is a great deal of discontent? Will it be in the very near future?

Shri Rajagopalachari: I cannot make a promise. The confirmation of these nearly 600 people took a considerable amount of examination of the respective claims, because when we confirm we cannot do it lightheartedly because each case involves justice or

injustice to several people. It does take time. These unconfirmed people are employed as a matter of fact, and that should be a consolation.

HYDRAULIC RESEARCH INSTITUTE, BIHAR

*1269. **Dr. Ram Subhag Singh:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether Government propose to set up a Hydraulic Research Institute in Bihar?

(b) If so, what is the estimated expenditure of setting up that institute?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) The Government of Bihar are at present considering the question of establishing a hydraulic research Institute in Bihar.

(b) Rs. 10 lakhs.

Dr. Ram Subhag Singh: What is the chief purpose of establishing this Institute?

Shri Sri Prakasa: That question has to be addressed to the Bihar Government. We are not proposing to set up any such institute in Bihar. The information that I have supplied has been given to us by the Bihar Government.

Shri Syamnandan Sahaya: Has the Government of India in any way helped them financially to start this Institute?

Shri Sri Prakasa: No, Sir.

ARREST OF MEMBERS OF CREW OF 'S.S. STAR ALCYON'

*1270. **Dr. Ram Subhag Singh:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that Bombay Customs preventive staff recently arrested eight members of the crew of 'S. S. Star Alcyon';

(b) if so, what the charges against them were; and

(c) whether their prosecution has been sanctioned by Government?

The Minister of Finance (Shri C. D. Deshmukh): (a) Nine members of the crew of "S.S. Star of Alcyon" were detained (not 'arrested') on the 10th August on their return from a visit to the town when they were about to board their vessel due to depart for the Persian Gulf ports. They were questioned as to whether they had any prohibited or restricted articles to declare. On their giving a reply in

the negative, they were searched in the presence of witnesses. The search resulted in the recovery from their persons of various amounts totalling Rs. 56,000 in Indian currency notes of a denomination of Rs. 100 each. Most of this currency was concealed inside their socks.

(b) They were charged under section 187(8) Sea Customs Act with attempting to take out of India Indian currency notes in contravention of the restriction contained in section 8(2) of the Foreign Exchange Regulation Act, 1947.

(c) No prosecution has been launched. The currency, however, was confiscated under the Sea Customs Act.

Dr. Ram Subhag Singh: May I know the nationality of the persons arrested on this ship?

Shri C. D. Deshmukh: Chinese.

Dr. Ram Subhag Singh: Do Government propose to take any steps to smash the gold smuggling racket in the Persian Gulf, as such cases are very numerous?

Shri C. D. Deshmukh: That is a very big question. Attempts are all the while in progress.

EXHIBITION IN KABUL

*1271. **Dr. Ram Subhag Singh:** Will the Minister of Education be pleased to state whether it is a fact that the Government of India have sponsored an exhibition of Indian art in Kabul for the *Jashan* celebrations there?

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

Dr. Ram Subhag Singh: May I know what materials or articles are exhibited there?

Shri Sri Prakasa: I have not got a list of the exhibits.

Dr. Ram Subhag Singh: May I know the number of persons who were sent to arrange for the exhibition?

Shri Sri Prakasa: The only name I have is that of Shri Bhournick who was the organiser of the exhibition that was sent to Kabul on the occasion of the *Jashan* celebrations. The exhibits were sent by the All India Fine Arts and Crafts Society, Delhi.

Dr. Ram Subhag Singh: May I know the cost involved in arranging for this exhibition?

Shri Sri Prakasa: Rs. 2,234.

Dr. Ram Subhag Singh: May I know whether such exhibitions were held in Kabul in the past or this is the first time that such an exhibition is held?

Shri Sri Prakasa: I think this was the first exhibition.

Shri Amolakh Chand: What is the purpose of the *Jashan* celebrations and what is the amount contributed by the India Government towards them?

Shri Sri Prakasa: The *Jashan* celebrations are held by the Government of Afghanistan in Kabul to celebrate their Independence Day. It is an annual function there, which is held towards the end of August every year. The Government of India contribute nothing towards the *Jashan* celebrations.

Shri Syamnandan Sahaya: Does the amount of Rs. 2,234 include the expenses on travel incurred by the delegation sent from India?

Shri Sri Prakasa: That is so.

Shri Sidhya: Was there really a good response in the shape of orders for the purchase of articles exhibited by India at this exhibition?

Shri Sri Prakasa: I do not think any orders were placed. This was not a commercial exhibition at all. It was more or less a cultural exhibition. It was visited by many notables of Afghanistan, including Ministers, Heads of diplomatic missions, educationists, artists and others.

Shri Sarwate: What arts are included in this and may I know whether any efforts are being made to exhibit the special contribution made by India towards art culture in general?

Shri Sri Prakasa: We were invited to take part in these *Jashan* celebrations. Our original idea was to send a music party, but it was felt that if the music party consisted of women, they may not be very welcome in Afghanistan. I do not know why it should have been thought so. It was then decided to send an exhibition under the auspices of the All India Fine Arts and Crafts Society. The purpose was what is implied in the hon. Member's question.

REPORT OF SCHEDULED CASTES AND TRIBES COMMISSIONER

*1275. **Shri S. N. Das:** Will the Minister of Home Affairs be pleased to state:

(a) the number of reports so far submitted by the Commissioner for

Scheduled Castes and Scheduled Tribes to the President;

(b) the important points to which references have been made in the report;

(c) how many regional officers have been appointed so far and what their jurisdiction is;

(d) whether the Commissioner has made any recommendations in the reports submitted by him; and

(e) if so, what those recommendations are and to what extent the recommendations have been given effect to?

The Minister of Home Affairs (Shri Rajagopalachari): (a), (b), (d) and (e). The report contemplated under Article 338 of the Constitution is not yet due. It is proposed to call for annual reports by calendar years and the first report for the period ending December, 1951, is expected in February 1952. In the meanwhile, the Commissioner has submitted to Government inspection reports of his tours to various States; these generally deal with local grievances of the Scheduled Castes and the Scheduled Tribes and proposals to remedy them. Such points as call for action have been communicated to State Governments.

(c) Sanction has been given for the appointment of one Regional Officer and he is expected to be appointed towards the end of the year. Proposals are under consideration for the appointment of three Regional Officers.

Shri S. N. Das: May I know the names of States which the Commissioner has so far visited?

Shri Rajagopalachari: Quite a large number, Sir, but I have not got the names. He has visited almost all the States in Upper India.

Shri S. N. Das: May I know whether any case of enforcement of disability arising out of untouchability has been brought to the notice of Government by him?

Shri Rajagopalachari: Every question dealing with the Scheduled Castes must necessarily be with reference to some disability, concrete or general, arising out of their condition.

Shri Sivan Pillay: Is it a fact that that Commissioner cancelled his visit to Travancore-Cochin during his tour in the South and if so, what is the reason for the same?

Shri Rajagopalachari: We must leave such matters largely to the discretion

of the officer concerned. I cannot sit in judgment over all that.

Shri Ghule: May I know the part of the country to which the Regional Officer is to be attached?

Shri Rajagopalachari: One who has been settled is yet to be appointed. Three others are under consideration. The whole plan is to allot them to each region. I am not able to say to which region this particular officer has been allotted. Probably the Commissioner will give him his region later on.

Shri R. Velayudhan: May I know whether the report has in any way suggested the speedy appointment of a Scheduled Caste Commission which was contemplated in the Constitution?

Shri Rajagopalachari: The Commissioner that we are referring to is the Commissioner appointed under the Constitution.

Shri R. Velayudhan: May I know, Sir, what happened to the Bill that was proposed to be introduced in Parliament regarding the removal of disabilities of Scheduled Castes?

Shri Rajagopalachari: I would ask for notice of that question.

Shri Jangde: May I know whether it is a fact that the Commissioner has made enquiries into the fact that the number of Scheduled Castes particularly in Rajasthan and Madhya Pradesh has been considerably reduced?

Shri Rajagopalachari: Now that we are making efforts to improve the position of the Scheduled Castes, there is a general desire for a number of communities to get included in the schedule. We have to hold almost judicial enquiries, because as regards the facts and the degree thereof that go to make up Scheduled Castes status there may be difference of opinion.

Shri Barman: Will the hon. Minister consider the desirability of placing the interim report of the Commissioner on the Table of the House?

Shri Rajagopalachari: There is no interim report. I have stated the position very fully in my answer. He has to make annual reports. The reports which he has sent are more or less material for prodding the local Governments concerned.

Shri Jangde: May I know whether it is a fact that on the 30th of August the All India Radio announced that the

Bill relating to the removal of untouchability is going to be introduced in this session and enacted into law?

Shri Rajagopalachari: Removal of untouchability is not one act which can be performed at one moment. It has to be a large process.

Shri S. N. Das: May I know whether the Commissioner in the course of his tour of the States has been able to find out that the provisions laid in the Constitution for the safeguard of Scheduled Castes and tribes have been followed by the States?

Mr. Deputy-Speaker: That does not arise out of this question.

Shri Jangde: Do Government propose to allot amounts for the general welfare of Scheduled Castes in India?

Shri Rajagopalachari: There is provision in the Budget.

I may, however, take this opportunity to say that the basic liability is of the State and of the State exchequer concerned. The Central Government only does general supervision, direction of policy and if necessary makes additional grants. It should not be understood that if we give, say Rs. 25 lakhs that is all the amount spent. Each State is spending a pretty large amount individually.

Shri Barman: Has it come to the notice of Government that many of the State Governments have withdrawn the privileges of reservation for Scheduled Castes in services? If so, will the hon. Minister please ask the Commissioner to enquire into it?

Shri Rajagopalachari: I do not think that any State has withdrawn the reservations prescribed for Scheduled Castes. But I suppose they have tried their best to bring their rules into conformity with the Constitution and wherever reservation is prescribed it is certainly followed. If the hon. Member will bring to my notice any violation of any rule, or any disability under which they are suffering, we will enquire into it.

Shri R. Velayudhan: May I know whether Government has got any intention to introduce the Bill penalising untouchability, about which the hon. Minister himself has given a promise to the House?

Shri Rajagopalachari: I have been trying my best to penalise all kinds of people; it is not easy to penalise.

EXPERT COMMITTEE ON KOSI PROJECT

*1276. **Shri S. N. Das:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether the Government of India have considered the report submitted by the Expert Committee on Kosi Project?

(b) if the answer to part (a) above be in the affirmative, whether this project is going to be included in the Five-year Plan prepared by the Planning Commission?

(c) whether the Bihar Government's opinion on the various stages of this project has since been received?

(d) if the answer to part (b) above be in the affirmative, when the actual work would begin?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) and (b). The Report has been examined in the Ministry of Natural Resources and Scientific Research, and is under the consideration of the Planning Commission.

(c) No, Sir.

(d) This will depend on the result of consideration mentioned in reply to (a) and (b).

Shri S. N. Das: How long more will the Government take to come to a decision about the project?

Shri Sri Prakasa: I hope the decision will be taken soon. We are waiting for the results of the consideration of the report by the Planning Commission.

Shri S. N. Das: May I know the points which this Committee was asked to consider?

Shri Sri Prakasa: As the House will remember, the scheme of Stage I, was ready and this was sent to this Expert Committee. They have now given their decision in the matter. The House may be interested to know that they have slightly modified the older scheme. My Ministry has also accepted these modifications. If the hon. Member wants any further details I shall be glad to give them.

Mr. Deputy-Speaker: Has this Report been placed on the Table of the House?

Shri Sri Prakasa: No, Sir, the report is with the Planning Commission.

Shri A. C. Guha: May I know what is the estimated cost of this project?

Shri Sri Prakasa: The estimated cost is Rs. 55.53 crores.

Shri A. C. Guha: How many years would this scheme take to be completed?

Shri Sri Prakasa: About four years.

Shri Shiva Rao: Before a final decision is taken in regard to this project may I know whether similar proposals from other State Governments will receive due consideration at the hands of my hon. friend?

Shri Sri Prakasa: As my hon. friend knows, this is a Central project and he would not expect me to go into the details of all the projects of the State Governments

Shri Syamnandan Sahaya: Is there any prospect of this scheme being included even in the next five year plan?

Shri Sri Prakasa: Yes, Sir, it will be included.

PETROLEUM AND KEROSENE OIL

*1277. **Dr. M. V. Gangadhara Siva:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) the place where prospecting licence has been given for making geological survey in any part of India in connection with petroleum and Kerosene oil and the names of licensees and the survey so far carried out; and

(b) whether Government propose to depute a special geologist for this purpose?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) The information is being collected and will be laid on the Table of the House.

(b) Yes, Sir. A Petroleum Geologist has been appointed in the Geological Survey of India for the purpose.

Dr. M. V. Gangadhara Siva: May I know what is the progress so far made in connection with the efforts to find out petroleum and kerosene in the country?

Shri Sri Prakasa: Extensive surveys have been carried out by the Geological Survey of India to demarcate rock formations which are likely to be associated with mineral oil in Assam, Tripura, along the foot of the Himalayas, in Kutch and Saurashtra. This shows that we have done extensive work in this line.

Dr. M. V. Gangadhara Siva: May I know whether any prospecting licences have been granted and, if so, on what terms?

Shri Sri Prakasa: Before 1950 the State Governments used to give the licences, and we are collecting information from them regarding the licences they had given before 1950. After 1950 four prospecting licences have been given for work in Assam.

Dr. M. V. Gangadhara Siva: May I know whether the Government intend to run this industry or do they want to give it to private concerns?

Shri Sri Prakasa: So far they are private concerns. As regards their being nationalised it is a matter of policy which will have to be taken up later.

Shri Sidhya: Among the companies to which these prospecting licences have been given may I know whether the Burma Shell Company is also one of them?

Shri Sri Prakasa: Yes, Sir, the Burma Oil Company is the chief factor in this. In fact it has got all the four prospecting licences that have been recently given. They function as the Burma Oil Company and as the Assam Oil Company also.

Shri Sarwate: Was there a proposal to start a refinery of petroleum somewhere in Punjab some time back?

Shri Sri Prakasa: No, Sir.

U.N. AID FOR INSTITUTIONS UNDER MINISTRY OF HEALTH

*1278. **Shri Alexander:** Will the Minister of Health be pleased to state:

(a) whether any programmes were started or new institutions worked by U.N.O. aid; if so, what they are; and

(b) the nature and progress of the various health services and the centres now worked by the Ministry in the Centrally Administered Areas especially in Delhi?

The Minister of Health and Communications (Rajkumari Amrit Kaur): (a) and (b). Attention of the hon. Member is invited to the replies given to starred question No. 4792 dated the 2nd June 1951 by Pandit Munishwar Datt Upadhyay and No. 973 dated the 12th September 1951 by Shri S. N. Das on W.H.O. assistance to India and No. 884 dated the 7th September 1951 by Shri S. N. Das on U.N.I.C.E.F. assistance to India. The Health Ministry has not received assistance from any other U.N. Agency. A statement showing the nature and progress of the various health services and centres worked by the Health Ministry

with the assistance of W.H.O. and U.N.I.C.E.F. in the Centrally Administered Areas is placed on the Table of the House. [See Appendix VII, annexure No. 43.]

Shri Alexander: In the fifth heading in the statement it is mentioned that health propaganda is done by daylight mobile cinema vans equipped with audio-visual aids. May I know how many such shows were given in Delhi?

Rajkumari Amrit Kaur: I am afraid I could not tell you, but these publicity vans are working practically every day either in the city of Delhi or in the rural areas.

Shri A. C. Guha: Along with question No. 1279 I would like, with your permission, to put question No. 1290 also, because one is supplementary to the other.

The Minister of Finance (Shri C. D. Deshmukh): I am prepared to give the answer, but it will make a very long answer.

INSPECTION OF BANKS

*1279. **Shri A. C. Guha:** Will the Minister of Finance be pleased to state:

(a) in how many cases the Government of India have, under Section 35 of the Banking Companies Act of 1949, asked the Reserve Bank to inspect banks since the passing of the said Act and their number State-wise;

(b) in how many cases the Reserve Bank has, under the same Section 35, inspected banks and their number State-wise; and

(c) the recommendations made and the action taken in each of the two above cases under the same Section. 35?

The Minister of Finance (Shri C. D. Deshmukh): (a) The Government of India have not so far directed the Reserve Bank, under Section 35(1) of the Banking Companies Act, to undertake the inspection of any banking company.

(b) The Reserve Bank has carried out the inspection of 43 banking companies till the end of August, 1951, under Section 35 of the Banking

Companies Act. The State-wise distribution of banks so inspected is given below:

Name of State	Number of banks inspected under section 35
Bombay	7
West Bengal	10
Bihar	2
Orissa	1
Madras	7
Punjab (India)	1
Uttar Pradesh	2
Assam	1
Madhya Bharat	1
Greater Rajasthan	3
Delhi	5
Travancore-Cochin	4
TOTAL	43

(c) The question of making recommendations or taking action in the case of (a) above does not arise. As regards banks referred to against (b), it will not obviously be in the public interest to disclose the recommendations made and the action taken or contemplated by the Reserve Bank on each inspection carried out by it under section 35 of the Banking Companies Act, 1949. Generally, the defects in the working are brought to the notice of the banks concerned and they are requested to rectify the defects and to submit periodical progress reports indicating the steps taken and the results achieved.

ACTION AGAINST BANKS

*1290. **Shri A. C. Guha:** Will the Minister of Finance be pleased to state:

(a) the number of cases (with the names of banks if possible) where the Reserve Bank has taken action under Section 36 (1) (d) (ii) of the Banking Companies Act of 1949 asking any Banking Company to make change in its management;

(b) the number (if possible with names) of bank failures since the enactment of the Act, in which the Reserve Bank has not previously taken any step under the Section quoted above; and

(c) the number of cases (if possible with names of the Banks) where such intervention of the Reserve Bank has led to improvement in the affairs of the Bank?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (c). The Reserve Bank has not so far formally exercised

the powers conferred on it under section 36(1)(d)(ii) of the Banking Companies Act, but action on the lines suggested has been taken under other statutory powers vested in the Reserve Bank. It has been the policy of the Reserve Bank to suggest to banks, wherever necessary, to make changes in their management either by a reconstitution of their Boards of Directors or by recruitment of experienced and trained chief executive officers and other staff. In such cases the advice has been incorporated in the conditions, imposed on banks, on the acceptance of which adverse action proposed to be taken against them has been deferred by the Government of India or the Reserve Bank, as the case may be, for a specified period. This action has been taken either by the Reserve Bank of India under the proviso to section 42(8) (b) of the Reserve Bank Act or by the Central Government under the proviso to section 35(4) of the Banking Companies Act. It is not in the public interest to disclose the names of the banks in respect of whom such action has been taken. It may, however, be stated that the action taken under the alternative provisions, referred to above, has generally led to improvement in the management of the banks concerned although it is too early to judge the extent of the improvement in each case.

(b) The number of Banks which are reported to have suspended payment since the passing of the Banking Companies Act 1949 is 11. Some of these banks have since been functioning normally or are working under sanctioned scheme of Arrangement and it is not desirable in the public interest to disclose the names. Out of these only two Banks were inspected under Section 35 of the Act. As action under section 36(1)(d)(ii) of the Act can be taken only if a Bank is inspected under section 35, the question of taking action against the 9 banks which have not been inspected does not arise. As regards the two Banks which were inspected, before any action under 35 or 36 of the Act could be taken, the Banks suspended payment.

Shri A. C. Guha: May I know in how many cases the Reserve Bank has asked certain banks not to take any deposit?

Shri C. D. Deshmukh: I have not got the results of the inspections classified according to that category.

Shri A. C. Guha: Before taking such drastic action which in many cases have led to the suspension of operations of the banks, did not the Reserve

Bank or the Government think it proper that they should ask for changes in the management of the banks and which the Reserve Bank has apparently not done in any case?

Shri C. D. Deshmukh: This is a matter of argument, Sir, and it cannot be disposed of except with reference to some particular case.

Shri A. C. Guha: The hon. Minister read out a long answer. I expected that a statement would be laid on the Table. I found none and I hope that you would kindly let me put certain questions on the answers given now.

Mr. Deputy-Speaker: All right. Later on. The hon. Member may peruse the answer and if it is necessary and in the ordinary course if the questions are reached and if the question is of sufficient importance, I will certainly consider that.

Shri Sidhva: The hon. Minister stated in reply to part (c) of the question that in the interests of the bank and the people, it is not desirable to make the recommendations. I entirely agree with him. However, I would like to know whether he is satisfied that the banks are running on sound lines?

Shri C. D. Deshmukh: Generally speaking, certainly I should think that the banking system of the country is in a healthy condition.

Shri A. C. Guha: In view of the statement made by the hon. Minister that the Government has not asked the Reserve Bank to inspect any bank, may I ask if it is true that the Government have received many complaints against the working of the banks and still the Government have not asked the Reserve Bank to make the inspection?

Shri C. D. Deshmukh: No, that is not the reason. The Reserve Bank has been inspecting very large number of banks on its own initiative. Apart from the 43 banks which were inspected under section 35, the Reserve Bank has also inspected 94 banks under section 22 of the Banking Companies Act. That makes 94 plus 43=137. 9 State-controlled or State-owned banks were inspected by the Reserve Bank of India at the request of the Government of India or the State Governments concerned. The inspection was not under section 35 of the Banking Companies Act. So altogether it makes nearly 150 banks inspected.

Shri Sidhva: A good number.

Shri Amolakh Chand: May I know if the 43 banks inspected by the

Reserve Bank under section 35 include independent banks or they also include the branches of those banks?

Shri C. D. Deshmukh: When we say a 'bank' it means a bank together with all its branches, although it does not mean that every single branch is inspected.

Shri Sidhva: May I know whether under the provisions of the Reserve Bank Act, any inspection was made with respect to scheduled banks during the period?

Shri C. D. Deshmukh: According to the information I have here all these banks were inspected under the Banking Companies Act and whether now under section 42 any banks have been inspected, I cannot say.

Shri A. C. Guha: I think the hon. Minister stated the Reserve Bank inspected 94 banks under section 22 of the Banking Companies Act. This is only for license purposes and not the usual inspection as envisaged in the Banking Companies Act.

Shri C. D. Deshmukh: It does not make any difference. The inspection is just as thorough.

Shri A. C. Guha: It makes a lot of difference.

UNITS SERVING IN KOREA

*1280. **Shri J. N. Hazarika:** (a) Will the Minister of Defence be pleased to state whether it is a fact that the 16th Indian Field Ambulance Unit, serving with the U. N. Forces in Korea, has received the meritorious unit citation for its devotion and excellent performance of duties?

(b) What is the strength of the Unit?

(c) Did any casualties among them occur during the operations or otherwise?

(d) Do Government propose to give them relief by sending other units?

The Minister of Defence (Sardar Baldev Singh): (a) Yes, Sir.

The designation of the Indian Field Ambulance Unit serving in Korea is 60 (NOT 16) Indian Field Ambulance as mentioned by the hon. Member.

(b) The attention of the hon. Member is invited to the answer to part (a) of Starred Question No. 1268 on the 8th February 1951.

(c) No deaths have so far been reported, but two cases of wound and injuries and three of illness have been reported.

(d) Not at present.

Shri Saprawnga: May I know whether India is under any obligation to send this Ambulance Unit to Korea?

Sardar Baldev Singh: There is no obligation but we sent this unit just to show co-operation in this matter.

Shri Saprawnga: May I know whether such a unit is sent to the other side to help the North Koreans?

Mr. Deputy-Speaker: You want to help the enemy?

Shri Sidhva: During this stalemate period and in view of the fact that negotiations are going on, do Government intend to call back this Unit?

Sardar Baldev Singh: There is no intention at present.

Shri R. Velayudhan: May I know how much India had to spend for this Unit till now?

Sardar Baldev Singh: I will require notice for this.

Shri J. N. Hazarika: May I know for how long this Unit has been serving there?

Sardar Baldev Singh: The Unit has been in Korea for the last 9 or 10 months.

Shri S. N. Sinha: Question 1281.

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): Before I answer this question, with your permission, I should like to correct a mistake I made while answering supplementaries to Question No. 1276 regarding Kosi Dam. In reply to the question of my hon. friend Mr. Syamnandan Sahaya, I said that this was being included in the next Five Year Plan. The fact is that this Ministry has recommended very strongly that it should be included in the next Five Year Plan. I understand that the Planning Commission is giving the matter their close attention. They may be making some suggestions to modify the schemes and when these suggestions are accepted, it is expected that this will be included in the next Five Year Plan.

EXCAVATION FOR MAIN DAM OF HIRAKUD

*1281. **Shri S. N. Sinha:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) what is the total quantity and cost of excavation done in the river bed for laying the foundation of the main dam of the Hirakud Project;

(b) whether it is a fact that these excavations have meanwhile been filled with silt; and

(c) if so, what will be the cost of de-silting the excavation already completed?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) The total quantity of excavation done in the river bed for the main dam of Hirakud Dam Project is 117 lakh cft. It has cost Rs. 22½ lakhs.

(b) A part of the excavation done got filled up with 10 lakh cft. of sand which was subsequently removed and used in concrete.

(c) The cost of removing 10 lakh cft. of sand was Rs. 28,000.

Shri S. N. Sinha: Was not this contingency foreseen? What steps were taken to prevent the silting up of this excavation?

Shri Sri Prakasa: It is not possible to complete the whole excavation in the course of one season. When the season is over, floods come and there is always danger of silting up. That is what happened in this case. If we had made a coffer dam to prevent this, it would have cost 3 lakhs. I am advised by the Engineers that the silting up process was rather lucky because the silt was used for a flank wall and therefore we saved some money. It might have been accidental or it might have been deliberate; but the fact is...

Shri Sondhi: Not deliberate, but accidental.

Shri Sri Prakasa: ...that we saved a lot of money; three lakhs in not making a coffer dam and Rs. 72,000 which we would have spent in bringing sand from the upper regions to make this flank wall.

Shri Shiva Rao: May I know whether there is at the present moment a permanent Chief Engineer in charge of the Hirakud Dam?

Shri Sri Prakasa: Not a permanent one. We have recalled the old Chief Engineer and we have sent a temporary incumbent.

Shri Shiva Rao: In view of the largeness of the scheme, may I ask whether my hon. friend intends to appoint a Chief Engineer with dam-construction experience in order to ensure economic and satisfactory construction?

Shri B. Das: Thank you, Mr. Shiva Rao.

Shri Sri Prakasa: That is certainly our view.

Shri B. Das: Has not the particular Engineer who was in charge of this excavation work been dismissed or sent out for his bad work?

Shri Sri Prakasa: He has been recalled.

Shri B. Das: For better efficiency or proficiency or squandering 10 crores?

Shri Sri Prakasa: The matter is under investigation.

HIRAKUD PROJECT (FINANCIAL CHECK)

*1262. **Shri S. N. Sinha:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state what is the nature of the financial check and accounting system which have been prescribed in regard to the Hirakud Project?

(b) Are the prescribed rules and regulations under both these heads being followed?

(c) Are field accounts, works registers and stock books being properly maintained and posted?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) A Financial Adviser and Chief Accounts Officer appointed by the Ministry of Finance, Government of India, is in charge of all the accounts of the Project and is its principal disbursing officer and tenders financial advice on the spot. An Accounting Procedure for observance by the Centralised Accounts Office and by the officers executing the Project and mostly based on the rules and regulations in the various Public Works Codes, has been prescribed by the Ministry of Finance in consultation with the Auditor General (now comptroller and Auditor General) of India. A Resident Officer under the administrative control of the Accountant General, Orissa, who conducts the concurrent audit, is also stationed at the site of the Project.

(b) and (c). The points raised here as also in (a) will from the subject of a departmental enquiry by a Committee which Government are setting up.

Shri S. N. Sinha: Have any complaints been received by the Government that proper accounts are not submitted and the rules of procedure are not observed by the divisional heads such as Superintending Engineers, etc.?

Shri Sri Prakasa: There have been many complaints and as I have just stated, a committee is being appointed by the Government. The committee is to consist of an Accountant-General and an Engineer.

Shri B. Das: Has not the Financial Adviser appointed by the Finance Ministry been obstructed at every stage by the Engineers in not supplying proper records and accounts and giving wrong muster rolls? Has it come within the knowledge of the hon. Minister that the Engineers have not co-operated at all with the Finance Officer and the accounting staff?

Shri Sri Prakasa: Complaints of all sorts have reached me including what my hon. friend suggests. The Engineers point out many practical difficulties and the Financial Adviser feels that he should be consulted earlier than he usually is. All these questions form part of the enquiry.

Shri B. Das: Has it reached the hon. Minister's ears that the Engineers have threatened the life of the Financial Adviser and obstructed his simple mode of living at Hirakud?

Shri Sri Prakasa: Taken away the life of the dam or the life of the officer?

Shri B. Das: His peaceful living at Hirakud has been obstructed by the Engineers by throwing stones over his house.

Shri Sri Prakasa: Such incidents always happen in human life.

Shri T. N. Singh: Is it a fact that some of the Engineers there placed orders for various kinds of articles without having proper sanction or without having authority for making such orders?

Shri Sri Prakasa: Complaints of that nature have come and they are being investigated.

Shri A. C. Guha: In view of these reports and complaints received by the Government, do Government consider any scheme so that the Government may have full control over the scheme and the money to be spent?

Shri Sri Prakasa: It is difficult to have fool-proof schemes. All the difficulties that come have to be met in their own time. I may add that, in order to meet these difficulties, a Control Board is being set up there.

Shri A. C. Guha: May I know the composition of the Control Board, and how the Government of India will be represented in that Board?

Shri Sri Prakasa: Both the Government of India and the Government of Orissa will be represented in this Board.

Shri Sidhva: The hon. Minister said just now that a scheme has not been prepared and as and when difficulties arise, they will have to be considered. May I know whether an overall scheme has been prepared or not?

Shri Sri Prakasa: I was referring to the difficulties regarding stone throwing and other matters which my hon. friend Mr. Das referred to. These have to be met as they arise. So far as the over-all scheme is concerned, it is there.

Shri Shiva Rao: In view of the serious misgivings that have been expressed about the progress of this scheme both on the floor of the House and outside, will my hon. friend consider issuing a comprehensive statement going into all aspects of this scheme?

Mr. Deputy-Speaker: He is appointing a committee for investigation.

Shri Sri Prakasa: I shall examine the suggestion.

Shri Jagannath Mishra: Is it a fact that due to this defective check, the Superintending Engineer indented Railway sleepers and bullocks from Punjab although they were in plenty in Orissa?

Mr. Deputy-Speaker: That is another question.

Shri Sri Prakasa: This has been answered before and it is again coming up later.

Shri T. N. Singh: Is it a fact that due to these internecine disputes, the work of the project will be delayed and may I know whether as an interim measure Government have taken any steps to expedite the work or keep it going?

Shri Sri Prakasa: It is true that internecine difficulties always delay work; but every step has been taken so that the work may not be delayed.

Shri Syammandan Sahaya: In view of the grave nature of the allegations made, do Government propose to hold an open or a public enquiry into the conduct of these officers?

Shri Sri Prakasa: An enquiry is being made departmentally. As to its being made publicly, I have not given any thought to that yet.

Shrimati Durgabai: May I ask a question, Sir; not with regard to this...

Mr. Deputy-Speaker: The Question-hour is over.

Shrimati Durgabai: Sir, I would like to know.....

Mr. Deputy-Speaker: But the Question-hour is over and now there are two short notice questions also. Shri Jnani Ram? He is not present. And the other Shri Thimmappa Gowda? He is also not present.

Shri M. Naik: Can the Chair now allow the questions of Members who were absent when they were originally called?

Mr. Deputy-Speaker: There is no question whether the Chair can or cannot allow them. The Chair can allow them. But why should they be put now?

Now we come to the next item—
Leave of Absence.

Shrimati Durgabai: Sir.....

Mr. Deputy-Speaker: I will come to the hon. Member.

LEAVE OF ABSENCE OF SHRI SURESH CHANDRA MAJUMDAR

Mr. Deputy-Speaker: Before the House proceeds with any other business, I would like to inform hon. Members that Shri Suresh Chandra Majumdar has requested for leave of absence under Article 101(4) of the Constitution till the end of the current session on account of ill health.

Is it the pleasure of the House to grant him leave?

The leave was granted.

ORAL ANSWERS TO QUESTIONS

Mr. Deputy-Speaker: Now, what does the hon. Member want? Is it something sufficiently important to interrupt our proceedings now?

Shrimati Durgabai: Far from interrupting the work, I want very much to expedite the proceedings of the House. Sir, I refer to question No. 1266. I understand that the hon. Member who had given notice of this question has sent an authorisation letter to you. So I request that the

question may please be taken up now. And even if such a letter of authorisation were not there, there are precedents when you were pleased to allow such questions to be put. Therefore, in view of the importance of this question, would you kindly allow me to put this question?

Mr. Deputy-Speaker: But the Question-hour is over already and nothing can be done now.

Shrimati Durgabal: Sir, even before the Question-hour was over I tried to raise this question, but you wanted to finish other matters before coming to this.

Mr. Deputy-Speaker: But once the Question-hour is over, I have no right to allow this question to be put. As I have already pointed out on many occasions, the rules are like this. Those Members who are in their seats and who have tabled questions will put them in the first round. In the second round hon. Members who have authorisation to put the questions of absent Members can put those questions. And in the third round, if there is time, the Chair will allow any question which was not put because the Member who tabled it was absent and had given no authorisation to any other Member. The Chair may allow such a question to be put in view of its special importance. But all this is within the question hour. But once the question hour is over, then it is official business and that business has to be taken up. Of course, it is open to an hon. Minister who is interested in the answer to the question and wants to give it on the floor of the House to give it immediately after the Question-hour. He can read it out. It is open to him to do that. But even that will be interrupting the other business of the House.

Shrimati Durgabal: Sir, it is even now open to the Chair to ask the hon. Minister to read out the answer to this question. I tried to raise this question even before, Sir.

Mr. Deputy-Speaker: Even if I had allowed the hon. Member five or ten minutes before, I would not have allowed this question to be put in the first round. But which is this question?

Shrimati Durgabal: Sir, that is the question No. 1266 which has had a chequered career. It was once allowed by you, Sir, and then disallowed and so on.

Mr. Deputy-Speaker: I have already explained the procedure. But as there

is so much demand for the answer to this question and if the hon. Minister is willing to make the statement and take advantage of the other rule regarding giving the statement even after the Question-hour is over, he can do so. I have no objection.

Pandit Thakur Das Bhargava: Sir, if I may say so, this is a very important question and we would like to hear the answer.

The Minister of Law (Dr. Ambedkar): I am prepared to read out the answer to question No. 1266.

PETITION OF MAHILA SAMITI, JAIPUR,
REGARDING WOMEN VOTERS OF
RAJASTHAN

*1266. **Shrimati Durgabal** (on behalf of **Shrimati Renuka Ray**): (a) Will the Minister of Law be pleased to refer to the answers given to supplementary questions raised on Starred Question No. 534 asked on the 27th August, 1951 and state whether the omission of the names of women voters was due to the fact that their proper names were not initially put down by the officials who prepared the lists?

(b) Is it a fact that these officials did not get instructions to take proper names of the women concerned which resulted in the omission of their names from the electoral rolls?

The Minister of Law (Dr. Ambedkar): (a) No, Sir. The officials who prepared the lists initially were unable to get the real names of women voters in some States. I understand that this was due to the disinclination of the women, as well as their relatives, to disclose their names.

(b) The Election Commission had issued specific instructions to State Governments that women voters must be registered by their proper names and not as "wife of" or "daughter of" so and so. The State Governments were also instructed to make every effort through governmental agencies to ascertain the real names of women voters who were not registered on the rolls by their actual names. The public were also invited to assist in this task. It was not due to lack of proper instructions that the names could not be entered in the rolls in the prescribed manner.

Shrimati Durgabal: Sir, will you be so good as to allow one or two supplementary questions?

Mr. Deputy-Speaker: No, this is not the Question-hour.

Shri Sondhi: And the hon. Member knows the rules herself.

Mr. Deputy-Speaker: This is not the usual Question-hour. It is just a case of the hon. Minister, in his discretion giving the House the answer to the question.

WRITTEN ANSWERS TO QUESTIONS

PROMOTION OF MINISTERIAL STAFF

*1263. **Babu Ramnarayan Singh:** (a) Will the Minister of Home Affairs be pleased to state whether there are Rules regulating the seniority and promotion of the ministerial staff of the Government of India; if so, have these rules been observed in the Re-organization Scheme of the Secretariat and if not, why not?

(b) Is it a fact that several persons included in the graded lists under the Re-organization Scheme of the Secretariat are of the following qualifications:

- (i) have not worked as a Superintendent even for a single day and some who have worked for a few months only while the rejected or demoted persons have worked as Superintendent for several years;
- (ii) assistants and clerks who hold no permanent posts;
- (iii) persons who were only stenographers; and
- (iv) persons who are not considered by the U.P.S.C. as suitable even for holding quasi-permanent posts of clerks or assistants?

The Minister of Home Affairs (Shri Rajagopalachari): (a) Certain rules regulating the recruitment, seniority and promotion of the Ministerial staff of the Government of India Secretariat were in existence prior to the war. Owing to the conditions that obtained during the war and immediately thereafter, it was not possible to regulate the recruitment, promotion etc. of the Ministerial staff strictly according to those rules and *ad hoc* appointments had to be made. This resulted in the deterioration of the quality of the staff and the efficiency of the Secretariat. In order to rectify this position and as reversion to the old Rules had become impossible, a scheme of Re-organisation and Re-inforcement of the Service was formulated. The scheme took into account the changed conditions and

provided new rules to meet these conditions. For instance, the old rule of seniority which normally followed the dates of confirmation of the officers concerned in a particular office had to be revised in order to meet the situation created by the influx of displaced Government servants from Pakistan. It was necessary to devise a formula which, without being unfair to the permanent or even to temporary employees of the Central Government, was also fair to the displaced Government servants. Similarly, the normal pre-war rule that the posts of Under Secretaries should be filled mainly by officers of the All-India Services and to a small extent by officers of Central Class I Service had to be amended. This is a rule which can no longer hold good in the changed circumstances. The majority of the posts of the Under Secretaries are now open to officers of the Central Secretariat Service and only a few of them (i.e. about 50 out of 245) are proposed to be reserved for officers of the I.A.S. and the Central Services Class I who are selected for the junior grade of the Indian Civil Administrative (Central) Cadre.

(b) (i) There have been a few cases of persons having been selected for posts in which they never worked before. Such selections were contemplated by the scheme and were made by the Commission on grounds of over-all suitability of the officers concerned. We cannot afford to have a Commission and place no confidence in their discretion.

(ii) and (iii). No one who has not held a post higher than that of an Assistant, or clerk or stenographer at some stage has been included in the lists so far published. But it is quite possible later that a particularly good Assistant who has shown promise may be selected. Such selections are contemplated in the scheme.

(iv) No such case has come to notice. A scrutiny of lists now for the purpose of this question is impracticable.

SOLAR POWER

*1272. **Shri Jnani Ram:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) if any experiment is being made in India to utilize solar power; and

(b) if so, in what way and where?

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

Experiments are being carried out at the National Physical Laboratory, Delhi to—

- (i) evolve simple and inexpensive methods for carrying out air-conditioning of buildings and running refrigeration equipment with the help of solar heat;
- (ii) utilise solar energy for generation of power by means of heat engines, thermo electric generators and photo-electric generators; and
- (iii) determine the possibility of cooking foods and drying of fruit with the help of solar heat.

DEATH SENTENCE

*1273. **Shri Jnani Ram:** Will the Minister of Home Affairs be pleased to state:

- (a) the number of Mercy petitions filed before Government; and
- (b) the number of persons who were pardoned or whose death sentences were converted otherwise by the President since his appointment on the 28th January, 1950?

The Minister of Home Affairs (Shri Rajagopalachari): (a) 284 petitions for mercy were received during the period 28th January, 1950, to the 31st August, 1951.

(b) Out of these, the sentence of death was commuted to one of transportation for life in 100 cases.

It may be remembered in this connection that only cases not already commuted under the orders of the State Government concerned come for clemency to the Central Government.

PUBLICITY BRANCH (D.V.C.)

*1274. **Shri Jnani Ram:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether propaganda equipments e.g., microphones, vans etc. have been provided to the Publicity Branch of the D.V.C.; and

(b) if so, the cost of the same?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) No, Sir.

(b) Does not arise.

DISMISSAL OF POLICE OFFICERS

*1253. **Sardar Hukam Singh:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that some Police Officers have recently either been dismissed or made to retire compulsorily by the Punjab State on the basis of adverse reports during pre-Partition period in the West Punjab;

(b) whether it is a fact that some of them got regular promotions upwards, crossed the efficiency bars and were even chosen for selected posts in the Police Department;

(c) whether any independent enquiry was made in such cases of extreme penalties; and

(d) whether Government are now prepared to consider any cases of hardships based on reports during 1944, 1945, 1946 where there was every possibility of victimization of Hindu Officers in the West Punjab and if not, why not?

The Minister of Home Affairs (Shri Rajagopalachari): (a) to (c). In pursuance of the policy of the department to eradicate corruption and gross inefficiency from the Police, the records of all the Police officers were scrutinised with a view to ascertaining if action could be taken against any, either under existing rules of the department or under the Civil Services Rules. This led to institution of departmental proceedings against some of the officers who were found inefficient or against whom there were reasonable grounds to suspect their honesty. Under rule 5:32 of the Civil Services Rules Volume II Government retains an absolute right to retire any Government servant after he has completed 25 years' qualifying service without giving any reasons. This right may be exercised when, in the interests of public, it is considered necessary to dispense with the further services of a Government servant on account of inefficiency or dishonesty. As a result of this action, several Police officers with more than 25 years' qualifying service were made to retire compulsorily. As regards those whose service was less than 25 years, action was taken against them under the Police Rules. The case of every Police officer so dealt with was, however, individually examined and the punishment was meted out purely on the merit of each case. The rules provide a formal appeal against the order of punishment, and most of the officers so punished filed formal appeals, which again were decided on their merits.

(d) Any appeal or memorial will be considered carefully by the appropriate authority.

RESTRICTIONS TO MEET MEMBERS OF PARLIAMENT

*1284. **Sardar Hukum Singh:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that some of the Ministries of the Government of India have issued orders prohibiting the Government servants from meeting Members of Parliament; and

(b) if so, whether there are any special reasons for such restriction?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). No such prohibitory orders have been issued but mostly in the years 1945, 1948 and 1949 some Ministries have reminded their employees of the established practice regarding grievances that they should go through the prescribed channels for redress, and that going to higher officers and outsiders over the head of immediate superiors would impair the discipline necessary for orderly work in any department.

DIRECTOR, INDIAN BUREAU OF MINES

*1285. **Sardar Hukum Singh:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether the post of Director, Indian Bureau of Mines, that fell vacant, has been filled up;

(b) whether the Union Public Service Commission was consulted in filling up this post;

(c) whether the post was advertised; and

(d) what considerations of qualifications—experience in Mining, seniority in service—were taken into account in this appointment?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) to (d). The post of Director, Indian Bureau of Mines, fell vacant on 12th August 1951 and will be advertised by the Union Public Service Commission shortly after details regarding qualifications, experience and tenure of appointment have been decided in consultation with the Commission. An officer of the Geological Survey of India has been appointed to work temporarily as D.I.B.M. till a selection is made by the U.P.S.C.

LOANS TO PRIVATE STUDENTS ABROAD

*1286. **Shri S. C. Samanta:** Will the Minister of Education be pleased to state:

(a) how many private students studying abroad have received financial assistance on loan basis from the Government of India in the years from 1947 up to date (year by year);

(b) how many applications for help were received in those years; and

(c) what are the conditions for the repayment of the loan?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) and (b). The number of students who applied for financial assistance to Government under the Financial Assistance scheme administered by the Ministry of Education, and of those who received such assistance on loan basis is given below:

Year (Calendar)	No. of students who applied for financial assistance	No. of students to whom loans were granted
1	2	3
1947	6	Nil
1948	16	8
1949	103	12
1950	144	52
1951	33	13

(c) According to the terms of the loan deed executed by the student, repayment is to commence, in instalments, on expiry of six months after return of the student or on employment whichever is earlier. In exceptional cases, terms are relaxed.

SCHEDULED CASTES SCHOLARSHIPS

*1287. **Shri Kshudiram Mahata:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that this year the "Scheduled Castes, Scheduled Tribes and other Backward classes Scholarship Board" have ear-marked the amount State-wise on population basis;

(b) if so, the amounts ear-marked for each of the States and for each of the three categories separately;

(c) the number of scholarships awarded this year to the students of Backward classes only, State-wise; and

(d) whether there are any Backward classes representative from Bihar on the Board?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) and (b). No, Sir; but for their guidance, the Board, while making awards, keep in view the population of Scheduled Castes and Scheduled Tribes and the general population in the case of Backward Classes in each State. The overall allocation of funds made amongst the three groups is as under:

Scheduled Castes—Rs. 8,03,000.

Scheduled Tribes—Rs. 2,92,000.

Other Backward Classes—Rs. 3,65,000.

This is subject to transfer from one group to the other, if necessary.

(c) A statement containing necessary information is placed on the Table of the House. [See Appendix VII, annexure No. 44.]

(d) No, Sir.

IRRIGATION SCHEME IN ANDAMANS

*1288. **Shri Lakshmanan:** Will the Minister of Home Affairs be pleased to state:

(a) whether any irrigation scheme is being worked in the Andamans;

(b) if so, what that scheme and its estimated total cost is; and

(c) whether any land has been brought under cultivation under this scheme?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). Two petty irrigation schemes have recently been sanctioned at the following estimated cost—

(i) Bamboo Flat Irrigation well—Rs. 4,425.

(ii) Installation of two wind-mills and two small reservoirs—Rs. 19,280.

(c) As the works have not started, no land has yet been brought under cultivation.

LEASES IN RANIKHET CANTONMENT

*1289. **Shri Sidhva:** (a) Will the Minister of Defence be pleased to state whether a representation from Lease Holders Association, Ranikhet Cantonment, District Almora, regarding renewal of leases in Ranikhet Cantonment has been received?

(b) If so, what are their main complaints?

(c) Have Government considered them and if so, with what result?

(d) Have the parties been informed of Government's decision?

The Minister of Defence (Sardar Baldev Singh): (a) Yes.

(b) The main complaint relates to the levy of rent based on the current rates and of premium plus the cost of the buildings erected by the lessees on the sites for which leases granted under the Cantonment Codes of 1899 and 1912, have expired.

(c) and (d). Government are still considering the question

EXCAVATION AT HASTINAPUR

*1291. **Shri Amolakh Chand:** Will the Minister of Education be pleased to state:

(a) whether any excavation is being carried on at Hastinapur, District Meerut, U.P. by the Government of India of the Ulta Khara Mounds, the ancient Jain shrine;

(b) if so, whether ancient Jain images along with other coins and potteries have been found;

(c) whether the Government of India propose to examine thoroughly the ancient place; and

(d) if so, when the operations are likely to be completed?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) A part of Ulta Khara Mound at Hastinapur was excavated by the Department of Archaeology between November 1950 and April 1951.

(b) Only a broken and mutilated stone image of a seated Jain figure was recovered, but no coins or potteries which may be ascribed as Jain were found.

(c) The Department of Archaeology do not contemplate any further excavation of the place.

(d) Does not arise.

HIRAKUD DAM

*1292. **Shri A. Joseph:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state the number of jeeps, cars, vehicles and vans maintained for the use of Hirakud dam work?

(b) How many of them are working properly and how many are not working?

(c) What is the monthly cost for maintaining these vehicles?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) The number of jeeps, cars, vehicles and vans maintained for

use of Hirakud Dam Project is as under:

Light vehicles (jeeps, cars and vans)—74.

Heavy vehicles—117.

(b) (i) All the light vehicles are working properly except 18 purchased from Disposals and which are in workshop awaiting certain parts.

(ii) All the heavy vehicles are working properly except 44 purchased from Disposals which are undergoing repairs.

(c) Monthly cost of maintenance of light vehicles is Rs. 6,000 and of heavy vehicles is Rs. 18,000.

ARREARS IN ALLAHABAD HIGH COURT

*1293. **Shri Kamath:** (a) Will the Minister of Home Affairs be pleased to state whether the attention of Government has been drawn to the press report of the speech of the hon. the Chief Justice of the Allahabad High Court, appearing in *The Times of India* dated the 9th July, 1951, in which the addition of ten more judges is suggested in the present state of arrears of cases?

(b) Is it a fact that originally the Allahabad High Court had requested an addition of five Judges?

(c) Is it the delay of over a year in sanctioning the number originally asked for that has occasioned the request for further addition?

(d) What is the state of arrears in the other High Courts compared to the position when the request for additional Judges was made by the several High Courts about a year ago?

(e) With reference to the answer given to Starred Question No. 1299 on the 8th February, 1951 and Starred Question No. 1857 on the 1st March, 1951, why is a decision being delayed?

(f) Do Government propose to have the order under Article 216 made without any further delay at least in respect of those High Courts whose request for additional strength has been endorsed by their respective State Governments?

The Minister of Home Affairs (Shri Rajagopalachari): (a) Yes, I have seen it now.

(b) They had asked for the addition of four Judges, not five.

(c) I do not think so.

(d) Government have no information with them.

(e) and (f). The question of fixing the maximum number of Judges for each High Court was linked up with

the recommendations of the High Court Arrears Committee. Orders, under Article 216 of the Constitution, are expected to issue in a few days time. In the meanwhile, the immediate addition of 2 Judges to the High Court of Allahabad and 1 Judge to the High Court of Nagpur has been authorized.

SPECIAL OFFICER FOR SCHEDULED TRIBAL AREAS

*1294. **Shri P. Kodanda Ramiah:** (a) Will the Minister of Home Affairs be pleased to state whether the Special Officer in-charge of Scheduled areas and Tribes has undertaken a tour of Scheduled areas in different States?

(b) If so, what are the States he has visited so far?

(c) Has he received any complaints about the alienation of tribal people's lands?

The Minister of Home Affairs (Shri Rajagopalachari): (a) to (c). The Commissioner for Scheduled Castes and Scheduled Tribes has so far visited Scheduled Areas in the States of Madhya Bharat, Rajasthan, Madhya Pradesh, Orissa and Assam. He has not received any complaints about the alienation of Tribal people's lands.

I.N.A. INQUIRY AND RELIEF COMMITTEE

*1296. **Shri Kamath:** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that the Prime Minister is the Chairman of the I.N.A. Inquiry and Relief Committee or of the I.N.A. Advisory Committee;

(b) whether all the outstanding demands and grievances of the I.N.A. have been placed before the Prime Minister or been considered jointly by the Prime Minister and the Ministers of Defence and Finance; and

(c) whether any of those demands and grievances are still under consideration of Government and if so, which?

The Minister of Defence (Sardar Baldev Singh): (a) Yes, of the I.N.A. Inquiry and Relief Committee.

(b) and (c). A statement showing the action taken on the demands of the I.N.A. Committee is placed on the Table of the House. [See Appendix VII, annexure No. 45.]

In view of the fact that all the demands have already been considered and decisions taken, there is now no necessity to consider them jointly by the Prime Minister, the Defence and

Finance Ministers. Any special cases brought to the attention of Government will be given consideration.

**CURRENCY NOTES FOUND IN MANHOLES
IN BOMBAY**

*1297. **Shri Raj Kanwar:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that on or about the 8th September, 1951 a large number of currency notes, some partially torn or burnt and some intact, were found by the Police from the mouth or from inside one or more manholes in the city of Bombay;

(b) if the reply to part (a) above be in the affirmative, the total number and face value of such notes;

(c) whether the Police have been able to ascertain the name and address of the person to whom these notes originally belonged and the probable reason why they were so disposed of;

(d) whether any of the intact notes taken out of the manholes have been appropriated by any members of the public; and

(e) whether any claimants have come forward to claim any of these notes?

The Minister of Home Affairs (Shri Rajagopalachari): (a) to (e). This matter falls within the purview of the State Government but such information as I have been able to obtain is as follows:

On the 7th September, 1951, some torn and partially burnt pieces of ten-rupee Government currency notes were found in a gutter in Bombay City; investigation led to the recovery of further quantities from a drainage pipe nearby. Amongst these, only one ten-rupee note was found intact. The face-value of these pieces cannot at this stage be assessed, but it is estimated to amount to something between Rs. 5,000 and Rs. 10,000. There is no information yet as to whom these notes belonged or why they were disposed of in this manner; enquiries in this respect are in progress.

There is no information that any member of the public had appropriated any of the notes. No claimants have come forward.

RE-ORGANISATION OF CENTRAL SECRETARIAT SERVICE

310. **Babu Ramnarayan Singh:** (a) Will the Minister of Home Affairs be pleased to state whether it is a fact

that the Scheme for the Re-organisation of the Central Secretariat Service from the Grade of Under Secretary down to the Assistant sanctioned in the year 1948 has now been completed?

(b) Are Government aware that a large number of persons who have been holding Gazetted posts for several years, have now either been demoted or declared unfit for holding any Gazetted post?

(c) Is it not a fact that there are rules and instructions thereunder that if there is a bad report of any Government servant in his confidential or character roll, it must be shown to the person concerned so that he may try to improve in that direction?

(d) If the answer to part (c) above be in the affirmative, were the persons referred to in part (b) above shown their confidential reports and if not, what were the reasons for their rejection or demotion?

The Minister of Home Affairs (Shri Rajagopalachari): (a) No. Two instalments of recommendations for appointment to Grades I-III of the Service have been received from the Union Public Service Commission and further recommendations are expected. As regards Grade IV, one qualifying competitive test has been held and another will be held in December 1951. A certain number of vacancies will also be filled on the basis of seniority from among temporary and officiating Assistants without their having to sit for the test. The lists of persons eligible for consideration and for confirmation in this manner are under preparation.

(b) A certain number of persons would, as a result of the Re-organisation, have to revert to lower appointments than those held by them previously. This is natural because the very purpose of the Re-organisation is to rectify the existing position and place officers where they should be on the basis of their merit and experience.

(c) Yes; adverse reports should under the instructions in force be communicated to the employees concerned. It is for the superior officer to decide whether a report should be so classified and communicated to the officer.

(d) In many cases reports have in fact been communicated to the officers. Even where reports are not communicated, this fact does not render them useless in the grading of the officers. It is for the selecting authority to attach what importance they consider fit to such uncommunicated adverse reports.

GOVERNMENT IMMOVABLE PROPERTIES

311. Shri Sidhva: Will the Minister of Finance be pleased to state:

(a) whether he is prepared to place on the Table of the House the statement regarding the list and value of Government immovable properties as far as Delhi is concerned as stated by him in reply to my Question No. 417 asked on the 22nd August, 1951; and

(b) if not, what are the reasons?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). A list is placed on the Table of the House. [Copy placed in the Library, See No. P-220/51].

COMMUNAL RIOT IN DELHI

312. Shri M. Naik: (a) Will the Minister of Home Affairs be pleased to state whether it is a fact that a communal riot took place in Delhi on the 15th August, 1951?

(b) If so, what were the reasons for the outbreak?

(c) Were there any casualties?

(d) How many arrests were made in this connection?

The Minister of Home Affairs (Shri Rajagopalachari): (a) Yes, Sir.

(b) A rumour was spread that a Muslim was selling beef. In fact, however, he was selling buffalo meat.

(c) 17 persons received simple injuries.

(d) 17. Besides this, four persons were detained under the Preventive Detention Act, 1950.

VACANCIES IN LEGISLATURES

313. Shri Rathnaswamy: (a) Will the Minister of Law be pleased to state how many vacancies occurred in Parliament in the last six months?

(b) How many of these have been filled up?

(c) How many have not yet been filled up and for what reasons?

The Minister of Law (Dr. Ambedkar): (a) Four.

(b) One.

(c) Three. These three seats are to be filled up by nomination by the Rajpramukh of Rajasthan. But the State Government has reported that due to certain local difficulties these nominations could not be completed yet.

ASSESSMENT CASES

314. Shri Rathnaswamy: (a) Will the Minister of Finance be pleased to

state whether any directions have been issued to Income-tax Officers to show disposal of a fixed number of assessment cases every month?

(b) If so, how many cases the Income-tax Officer is required to dispose of every month?

(c) What is the criterion for fixing such a number?

The Minister of Finance (Shri C. D. Deshmukh): (a) No such direction has been issued, but standards of work have been laid down for Income-tax Officers. These standards are based not merely on the number of disposals but also on the nature of the cases, amounts of income involved, etc.

(b) and (c). The standards vary according to the nature of the assessments. A statement giving the basis of the standards laid down is laid on the Table of the House. [See Appendix VII, annexure No. 46].

DIETETIC TREATMENT

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

(a) whether dietetic treatment has been encouraged by Government in Part 'C' States;

(b) if so, what steps have been taken by Government to propagate and popularise this system of treatment in such States; and

(c) the names of places where this system has been resorted to?

The Minister of Health and Communications (Rajkumari Amrit Kaur):

(a) I presume that the hon. Member has in mind a system of treatment of disease in general by regulation of diet alone. This kind of treatment has not been adopted anywhere in the Part 'C' States. But dietetic treatment is employed as complementary to other forms of treatment in most diseases.

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

COMMONWEALTH RELATIONS OFFICE

316. Shri S. N. Das: (a) Will the Minister of Finance be pleased to state what is the amount assessed to be paid as contribution from Indian revenues in respect of the agency functions performed by the Commonwealth Relations Office of the Government of U.K. on behalf of the Government of India?

(b) What is the basis on which this assessment is made?

(c) What are the functions that have so far been transferred to the Office of the High Commissioner?

(d) What are the functions that are still discharged by the Commonwealth Relations Office?

(e) What were the assessed amounts to be paid to it for the years 1947-48, 1948-49, 1949-50 and 1950-51 and what amounts were actually paid during these years?

The Minister of Finance (Shri C. D. Deshmukh): (a) The amount of the contribution payable to the Commonwealth Relations Office is not a fixed sum. It varies from year to year depending on the volume of work done by that Office on behalf of the Government of India.

(b) The total cost of the establishment employed in the various sections of the Commonwealth Relations Office is divided between the United Kingdom Government and the Government of India in proportion to the time devoted by such establishment to the work done on behalf of the two governments. To the share of each Government of this contribution, an addition is made on account of the miscellaneous expenditure such as postage etc.

(c) and (d). Statement not attached gives the required information. [See Appendix VII, annexure No. 47].

(e) The amounts assessed and paid are:

	Assessed	Paid
1947-48 . . .	231,250	231,250
1948-49 . . .	208,000	215,000
1949-50 . . .	144,000	135,000
1950-51 . . .	114,000	114,000

It is estimated that the contribution to be paid for the current financial year will be about £40,000 only.

TRIVANDRUM AIR INDIA DAKOTA
CRASH

Shri Jnan Ram: Will the Minister of Communications be pleased to state:

(a) whether the Madras-Trivandrum Air India Dakota crashed at the Bangalore Airport on the 15th September, 1951;

(b) if so, the number of casualties; and

(c) the causes of the accident?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes, Sir.

(b) Six.

(c) The accident is under investigation.

Tuesday, 25th September, 1951



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PARLIAMENTARY DEBATES

Part II—Proceedings other than Questions and Answers)

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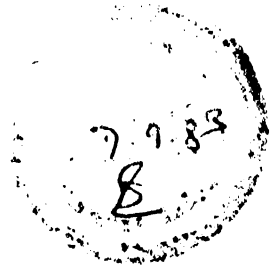
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CORRIGENDA

to

the Parliamentary Debates (Part II—Other than Questions and Answers),
Fourth Session 1951.

Volume XVI,—

1. No. 1, dated the 24th September, 1951,—

(i) Col. 3193, line 10 for "Act, 1151" read "Act, 1951"

2. No. 2, dated the 25th September, 1951,—

(i) Col. 3260, line 18 for "set" read "sat".

3. No. 3, dated the 26th September, 1951,—

(i) صفحہ ۳۳۱۵ پہلی لائن میں "دے مونا آزاد" کی جگہ "دے مولانا آزاد" لکھیے

(ii) भाग ३४१६, पंक्ति १३ में "सायलें" के स्थान पर "आगत" पढ़ें ।

4. No. 4, dated the 27th September, 1951,—

(i) Col. 3902, line 19 from bottom for "rent for occupation of houses" read
SHORT NOTICE QUESTION".

(ii) भाग ३४९०, पंक्ति १३ में "ट्रस प्रांक्मेटी" के स्थान पर "ग्रान्ट्स कमेटी" पढ़ें

5. No. 6, dated the 29th September, 1951,—

(i) Col. 3902, line 19 from bottom for "rent for occupation of houses" read
"damages for the occupation".

No. 7, dated the 1st October, 1951,—

(i) Col. 3952, line 16 omit "a".

7. No. 8, dated the 3rd October, 1951,—

(i) Col. 4134 for existing line 19 read "it has been made out that pre-censor-";
after existing line 40 insert "permanent period to the hands of the"
and delete line 43.

8. No. 9, dated the 4th October, 1951,—

(i) Col. 4153 last line, for "L.P.C." read "I.P.C."

(ii) Col. 4188, for existing line 18 from bottom read "cular case by that
experience and I".

9. No. 10, dated the 5th October, 1951,—

(i) भाग ४२८७, अन्तिम पंक्ति में "बेस्त्रियम" को "बेस्त्रियम" पढ़ें ।

(ii) Col. 4346, line 4 from bottom after "years" insert "ago".

10. No. 11, dated the 6th October, 1951,—

(i) Col. 4418, line 26 for "stituted" read "substituted".

(ii) Col. 4460 after line 27 insert "ages etc."

(iii) Col. 4523, line 19 from bottom for "Cognizillibity" read "Cognizability"

(iv) Col. 4524, line 11 for "Cognizillibity" read "Cognizability".

No. 12, dated the 11th October, 1951,—

(i) Col. 4694, for existing lines 7-9 read "given to Shri Achru Ram's case...
Shri Kamath: I am sorry it is a very ignorant imputation....."

(ii) Col. 4721 for existing line 35 read "number of tractors to be produced"

(ii)

12. No. 13, dated the 12th October, 1951,—

(i) Col. 4743 after line 5 insert "(No Questions—Part I not Published)" as 1 line.

(ii) Col. 4844 in line 32 for "Khwaja Inait Ullah: May I point" read "Shri Jhumjhumwala. I just want".

13. No. 14, dated the 15th October, 1951,—

(i) Col. 4913, line 13 from bottom for "(Sidhva)" read "(Shri Sidhva)".

(ii) भाग ४९५६, पंक्ति १२ में "पीछे" के स्थान पर "पीते" पढ़ें।

(iii) Col. 4984 for existing lines 10 and 11 from bottom read "A person shall be disqualified for being chosen as and for being".

14. No. 15, dated the 16th October, 1951,—

(i) Col. 5093, for existing line 34 read "for the industrial development of our country".

(ii) Col. 5128 in line 5 from bottom after "to" insert "give to".

**THE
PARLIAMENTARY DEBATES**

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

OFFICIAL REPORT

3265

3266

PARLIAMENT OF INDIA

Tuesday, 25th September, 1951.

*The House met at Half Past Eight
of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-37 A.M.

PAPER LAID ON THE TABLE

**WORKING OF VARIOUS PUBLIC
BODIES IN DELHI**

The Minister of Health and Communications (Rajkumari Amrit Kaur): I beg to lay on the Table a copy of the statement showing the working of various bodies in Delhi, promised on the 31st August, 1951, during the discussion on the Government of Part C States Bill. [Placed in the Library. See No. P-218/51.]

GO-SAMVARDHAN BILL

The Minister of Food and Agriculture (Shri K. M. Munshi): Sir, there is on the order paper an item where I have to move for more time to present the Report of the Select Committee on the Bill to promote "Go-Samvardhana". But I would like to request you for permission to withdraw the Bill, because after the passing of the Part C States Bill, this Bill is no longer necessary. It is no longer necessary for the Centre to legislate on this subject. That is the feeling of the majority of the Select Committee also. In the light of the new legislative set-up, it will be much better if it is taken up in the States. It is their sphere and centre would

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intervene only if necessary. Moreover, even if I move this motion and get an extension of time to submit the Report of the Select Committee, up to Saturday the 6th October, 1951, there is no likelihood of the Report being taken up before the next Parliament.

Therefore, Sir, if you will permit me, I will move for leave of the House to withdraw the Bill.

Shri Syamnandan Sahaya (Bihar): No, you cannot do that.

Shri K. M. Munshi: In that case, I will move the other motion for extension of time.

Mr. Deputy-Speaker: Now, so far as the authority of the House to withdraw a motion is concerned, there is no question about it. It has this authority. The authority that can initiate or permit a thing to be done has got also the authority or power to allow its withdrawal. But the question is whether a motion can be withdrawn if even one hon. Member objects to it. I would like to consider this question. Here, Rule 99 says:

"The member in charge of a Bill may at any stage of the Bill move for leave to withdraw the Bill; and if such leave is granted, no further motion shall be made with reference to the Bill."

Now the question is whether the decision should be unanimous. Even with respect to amendments being withdrawn, I put the question to the House and get the leave of the House for the withdrawal. The same should be the case when the matter relates to a Bill. After all, whether it is a Bill or an amendment or anything else, they are all brought in by means of a motion. In any case, with respect to the Bill, the rule here is in general terms and I will go through this matter and give the decision tomorrow. There is after all, no great hurry about this.

Pandit Maltra (West Bengal): In the case of a resolution also the leave to withdraw it should be given un-animously by the House.

Shri Sidhva (Madhya Pradesh): But what is the final decision? Even in the case of a Bill if one Member objects, what is the solution? Why not put the thing to vote?

Mr. Deputy-Speaker: In the Rules of Procedure it will be found that in respect of Bills there is a specific provision No. 99 relating to the withdrawal of Bills. If such leave is granted no further motion shall be made with reference to the Bill. Then when we come to the question of motions, Rule 152 says:

"A member who has made a motion may withdraw the same by leave of the House." Both the Rules must be read together, so that one may not be interpreted inconsistently with the other. Rule 99 relates to Bills and Rule 152 must naturally mean that it relates to the withdrawal of other motions than the one relating to the withdrawal of a Bill. Rule 152 further reads:

"The leave shall be signified not upon question but by the Speaker taking the pleasure of the House. The Speaker shall ask: 'Is it your pleasure that the motion be withdrawn?' If no one dissents, the Speaker shall say: 'The motion is by leave withdrawn.' But if any dissentient voice be heard or a member rises to continue the debate, the Speaker shall forthwith put the motion:

Provided that if an amendment has been proposed to a motion, the original motion shall not be withdrawn until the amendment has been disposed of."

This in general terms relates to motions but there is a specific rule relating to the withdrawal of Bills.

The Minister of Home Affairs (Shri Rajagopalachari): This matter may be considered at leisure. There is one difference. In the case of an amendment even if one Member objects, it is allowed to come up because the other Member can immediately move an amendment of his own. That will not apply to Bills.

Mr. Deputy-Speaker: It is also an accepted rule of interpretation that when a special provision is made for

a particular subject the other provisions are of a general nature. The special provision will apply so far as that matter is concerned to which it relates.

The Minister of State for Transport and Railways (Shri Santanam): The further procedure is that the motion is immediately put to the House. What is the motion to be put to the House now? Therefore something cannot be left hanging in the air.

Mr. Deputy-Speaker: This matter will stand over till tomorrow. In the meanwhile the hon. Minister may table a specific motion. Now that the Bill is before a Select Committee this motion would certainly come up during the course of the Bill. I would therefore suggest to the hon. Member to table a specific motion, so that it might be considered on its merits tomorrow.

Pandit Thakur Das Bhargava (Punjab): The Select Committee is going to hold its sitting on the 27th and very probably the recommendation of the Committee might be the same as the suggestion made by the hon. Minister. So this motion may be taken up on the 28th, as the recommendation of the Select committee might be to the same effect.

Mr. Deputy-Speaker: They may say that the Bill may not be considered or be withdrawn.

MOTION RE CONDUCT OF SHRI MUDGAL, M. P.—*concl'd.*

Syed Nausherah (West Bengal): Sir, I will not take up much time of the House. I only wish to add a few words to what has been stated by my colleague Shrimati Durgabai in reply to the absolutely baseless and idle allegations made against the Chairman and members of the Committee by Mr. Mudgal.

Our report had been placed before the House long ago and it has been before the public for a long time. I submit most respectfully that a reference to four or five documents which are admitted to be genuine, the contents whereof are incontrovertible will lead but to only one conclusion and that conclusion is the conclusion that the Committee has arrived at.

Mr. Mudgal has stated that the members signed the report under duress. I say at once that this allegation is absolutely baseless. The House appointed the Committee consisting of five Members of this House. Each one of us, I submit, was con-

sidered to be a person with a sufficient sense of duty and responsibility. And every one of us gave of our best and devoted our time and energy to the best of our light and ability and produced this report. There was no question whatsoever of any duress. It is an insult to our intelligence and a challenge to our integrity and honesty. We signed the report because we all unanimously came to the conclusions that the report contains. I may tell you, Sir, that it did not take us long to come to the conclusion. On the last day of our sitting in Bombay, after the address of the counsel for Mr. Mudgal had been concluded we set for deliberation and it did not take us more than five minutes to come to the unanimous opinion as recorded in this report, *(Interruption)* because the facts are so clear that no other conclusion was possible.

We then decided that the report should be drawn up by our Chairman. I must say that in spite of the fact that he was ailing at the time he gladly accepted the responsibility and drew up the report and finally placed it before us at New Delhi. We considered it then and our conclusions were unanimous. But we felt that the conclusions as recorded in the general body of the report did not bring out with sufficient clarity and emphasis certain aspects of the case. We, therefore, decided that we will also add our respective notes to the report. And it is clear that our notes are more emphatic than the findings as recorded in the joint report. It is idle Sir, to suggest that we signed this report under duress. The suggestion is absolutely unfounded.

I submit there was only one conclusion possible from the evidence before us. Leaving aside the entire oral evidence and all the other facts, if any Member be pleased just to refer to the documents set out in paragraph 37 at page 10, paragraphs 40 and 41 at page 21, appendix at page 86, and the certificate given by Mr. Mudgal to Mr. Lalwaney set out at page 253 of this report, he will find that the conclusion arrived at by the Committee is only decision possible.

It is a matter entirely for the House to judge whether we have discharged the duties and the responsibilities entrusted to us, to the satisfaction of the House. But I say, and say it with due respect to all concerned, and specially with all sympathy for Mr. Mudgal, that he was not well-advised to level charges against the Chairman and the members of the Committee on

matters not on record but on mere surmises. I should say those allegations can be attributed only to the bewildering predicament in which he was placed; it can have no other explanation.

Now, as far as I remember, he dilated upon certain parts of this report as being unfair to him. I think he referred to certain questions put by the Chairman and he referred also to a certain paragraph of the report which he said was not fair to him. I must tell you, Sir, at once that we were not influenced in any way by those things. Our decision was based on the documentary evidence mentioned above and on that alone. Leaving aside everything else, the conclusions recorded in the report were irresistible and these are the conclusions before the House. I submit most respectfully that we did our duty to the best of our ability and it is for the House to judge whether we have discharged our duties properly and to the best of our ability. This is all that I wanted to say.

Shri Naziruddin Ahmad (West Bengal): Sir, I have moved my amendment, and the purpose should be made absolutely clear. I am absolutely in full agreement with the findings of the Committee and I am also quite clear that the documents—the letters—which are admitted by Mr. Mudgal to be in his own handwriting leave the conclusion in no doubt whatsoever. His guilt has been proved by his own writing which is admitted by him. I therefore fully agree with the motion that has been moved.

My difficulty is of an entirely technical nature and without any connection with the merits of the case. It is because a new situation has arisen on account of the resignation. If it is the view of the House that the resignation takes effect at once on its delivery, then Mr. Mudgal is not a Member and the question of his expulsion does not at all arise; it is absolutely meaningless. It is to emphasise this technical aspect of the matter that I moved the amendment.

Ordinarily, when there is a prosecution of a servant for misappropriation of money, the fact that he resigns does not avoid the prosecution, but the expulsion of a Member who has ceased to be a Member is unnecessary, out of the question and absolutely meaningless. But the fact that he has resigned does not affect the earlier part of the motion, which represents the definite expression of our opinion

[Shri Naziruddin Ahmed]

and clear disapproval of his conduct. So far as that is concerned, it has nothing to do with resignation or no resignation. Therefore, I submit, that the earlier part stands. But if it is the view of the House that in spite of his resignation we should expel him, that is a different matter. But I hold the view that the matter is now too late. The earlier part of the motion dealing with the expression of our censure and our acceptance of the finding of the Committee, I think, ought to be enough for the purposes of this case. The fact that he has gone a bit too far in his speech is no doubt regrettable but we should also appreciate the position of a man who stands in the position of an accused; sometimes he makes rambling statements; no one supports them, but we should treat those expressions as coming from a man whose judgment is disturbed by a troubled heart. From this point of view, I think there is room for some amount of leniency on the further action that might be taken and I make this suggestion to the House for consideration.

Pandit Thakur Das Bhargava (Punjab) rose—

Mr. Deputy-Speaker: Let us hear the Law Minister.

The Minister of Law (Dr. Ambedkar): The amendment moved by my friend, Mr. Naziruddin Ahmad has really nothing to do with the resignation by Mr. Mudgal. His amendment had been submitted long before the resignation.

Shri Naziruddin Ahmad: I would not have moved it. I had already decided not to move it and I gave expression to that view privately to the Government whip; but I moved it simply because of this new contingency. When I tabled the amendment it was under a mistaken impression that the House had no jurisdiction, but later on I found that the House had full jurisdiction and I decided not to move it. Later on, in view of this contingency of resignation I thought this might be relevant, though at the time when I tabled the amendment there was no such purpose.

Dr. Ambedkar: I do not understand the motives and purposes of my hon. friend.

Shri Naziruddin Ahmad: No, it is difficult some times.

Dr. Ambedkar: But the fact remains that the notice of the amendment was given long before the resignation of Mr. Mudgal and the purpose of the

amendment undoubtedly was to soften the punishment that was proposed in the original motion that was moved by the hon. Prime Minister. The question that has now arisen is this: whether in view of the resignation of Mr. Mudgal the motion as moved by the hon. Prime Minister could be carried out in its original form or whether any subsequent amendment is necessary. The whole question seems to me to hang on the other issue, namely whether the resignation of Mr. Mudgal is in order so that it could be accepted as resignation and take effect immediately. My submission to you, Sir, is that the act of resignation must be a simple act of resignation without expressing either the grounds for resignation or casting any aspersions on the House as to why the hon. Member is resigning. When the question was last raised you were good enough to say that it was open to you to accept the resignation subject to the fact that certain words and phrases used by Mr. Mudgal could be expunged and the resignation made proper as a result of this expunction. My submission to you, Sir, is this. No doubt it is open to the Speaker or the Deputy-Speaker or for that matter anyone sitting in the Chair to expunge any part of the debate which he thinks is defamatory, indecent or unparliamentary or undignified. But the point that I wish to submit is this, that the authority of the Speaker to expunge any part of the record relates only to anything said in the course of the debate. I should like to read Rule 176 of the Rules of Procedure. Rule 176 deals with report of proceedings. Rule 176A deals with expungement of matter and says:

10 A.M.

"If the Speaker is of opinion that a word or words has or have been used in debate which is or are defamatory, or indecent, or unparliamentary, or undignified, he may in his discretion order that such word or words be expunged from the proceedings of the House."

As you will see, this rule is confined to anything said in the course of the debate. I submit with all respect that the resignation tendered by Shri Mudgal can by no stretch of the meaning of the word be regarded as anything done in the course of the debate. It therefore stands quite outside the proceedings of the House and therefore there is no power in the Speaker to expunge the words which admittedly both (I believe) in the opinion of the House as well as in the opinion of the Government are such that they are not liable to be expunged

on the grounds mentioned in Rule 176-A. Therefore, Rule 176-A would not permit the Chair to apply the provisions contained therein to the application for resignation by Shri Mudgal. Therefore, the application must be treated as it stands without any kind of expungment and my submission is that the application should not be treated as an application for resignation. (*Interruption.*)

Pandit Kunzru (Uttar Pradesh): On a point of order.

Dr. Ambedkar: I have not finished.

Mr. Deputy-Speaker: He is rising to a point of order. Let us hear him first.

Pandit Kunzru: You ruled yesterday, Sir, that your final opinion was that the resignation had become effective. Is that point open to discussion now?

Dr. Ambedkar: I do not know.

Pandit Kunzru: The Deputy-Speaker said so yesterday.

Dr. Ambedkar: It was not final, so far as I remember.

Pandit Maltra (West Bengal): Sir, you said yesterday that the operative portion of the motion should be kept in abeyance. That was your ruling and that was all that you said. The point raised by me was whether or not, as soon as Shri Mudgal's resignation was tendered and delivered to you, he vacated his seat in the House. That was the main point raised and as far as I could gather from Pandit Kunzru you were earlier of the same opinion that the resignation was effective.

Dr. Ambedkar: He said 'subject to consideration'.

Pandit Kunzru: I think the record will show it.

The Minister of Home Affairs (Shri Rajagopalachari): I think, Sir and the record will show it that you definitely said that you will take time to consider.

Pandit Kunzru: Anyway, the point that you were to consider was whether the motion moved by the Prime Minister could be taken up by the House without any amendment or whether any amendment should be moved and what further action could be taken. But so far as the resignation itself was concerned, you drew attention to article 101 and said that you had no doubt in your mind that the resignation was final and had become effective.

An Hon. Member: No, Sir.

Mr. Deputy-Speaker: I shall read from the record. This is what happened:

"**Mr. Deputy-Speaker**: I have heard sufficient. I have already told the House that so far as the operative part of it is concerned, what action has to be taken is a matter which must be considered at leisure. I will consider that matter. As I already referred to that portion of May's Parliamentary Practice, expulsion of a Member or suspending him is an *additional* remedy because he is a Member of Parliament. Anybody inside or outside may commit a contempt of the House. Merely because he is a Member we have more jurisdiction over him than over the other person. So far as the other person, that is the outsider, is concerned, in the very nature of things we cannot expel or suspend him because he is not a Member. Therefore, all the same, whether one is a Member or an outsider one may commit a contempt of the House. It is only so far as the remedy is concerned that in the altered circumstances that remedy may have to be altered. But we do not come out of the seizure of this motion that has been moved already. When it was originally quite in order, I do not think by a unilateral resignation or withdrawal from the House all the further proceedings can be terminated.

Regarding the other matter I shall consider it at leisure. Whoever wanted to speak now, let him not be under the impression that I will not hear. It is not on the floor of the House that I need hear him. He may communicate his opinion to me.

Pandit Maltra: On what? We are not interested in the merits.

Mr. Deputy-Speaker: All the matters: when the resignation takes effect; merely because the Member resigns, when his conduct has been brought to the notice of the House, whether by his mere resignation this House loses its jurisdiction—when, particularly, it has jurisdiction even with respect to persons who are not Members of this House if they commit a contempt of the House. That is a point which hon. Members have to note. If a person committed contempt of the

[Mr. Deputy-Speaker]

House outside, there is no question of resignation. The House will still not stultify itself but proceed against him. Whether the position is changed by mere resignation is a matter which we have to consider. At present I do not think it alters the position except in regard to the remedial portion, that is as to what remedy has to be applied."

Shri Bharati (Madras): In the earlier portion you said something when Shri Santhanam pointed out that the resignation did not take effect immediately. You controverted it.

Shri Rajagopalachari: What is said later overrides what was said earlier.

Mr. Deputy-Speaker: I shall look into this matter, but after all I can always change my opinion.

An Hon. Member: It is not so easy.

Dr. Deshmukh (Madhya Pradesh): So you are agreeing with the Home Minister, Sir.

Mr. Deputy-Speaker: I am not agreeing with anybody. I may submit to the House in regard to what I felt and what I believe I said yesterday that as soon as the resignation letter was handed over to me, I looked into it and tried to find out if it was a conditional resignation, in which case immediately I could say "It is not a resignation at all. It is a conditional apology; so it is not an apology." Under those circumstances, I could not have returned it to him. Had that not been so, I would not have accepted the resignation and proceeded with the proceedings. I did not find that the two sentences were different. One was an accusation against the House. The other portion which was unconnected with that, although it may be a reason, was an independent sentence and read "I resign my membership of this House."

Shri Rajagopalachari: That may be so if it is an independent sentence. I have seen the letter. I think it is one sentence and the other portion is given as a reason.

Pandit Maitra: Did you say, Sir, that it was a conditional resignation? It was not a conditional resignation. It is a constitutional issue that is raised, whether a resignation is out of order simply because it states the ground, whatever it may be.

Mr. Deputy-Speaker: This is what the letter says:

"As I think Members may not have freedom to vote I beg to submit my resignation of my membership of the present House."

That is his reason. He does not say that if the Members are prepared to vote for him, he will continue as a Member. If Members are prepared to vote for him, there is no question of his resignation. Under these circumstances, it is only a reason. There may be a thousand reasons for not associating himself with the House, or the House may feel that he is not a proper person to associate with. That man may go away. Therefore, it is more a ground for his resignation than a condition of his resignation. I am only thinking in this way. Whatever we may do today, we are setting standards and examples for the rest. So far as the operative portion is concerned, as I have already said yesterday, after going through the various authorities I find that once a contempt of the House has been committed and the Parliament took seizure of it, whatever other consequences might follow, the proceedings of the House are not interrupted. I am sure about it. What I decided yesterday was that I would like to go on with the proceedings of the House. I also said that, as at present advised, I considered the resignation sufficient and I had no right to return it, as it was not conditional. Therefore, I accepted the resignation. There is no question of acceptance also. That was my view. Let there be no misunderstanding about my view yesterday. If, however, any hon. Member points out to me that my view was wrong, I am prepared to correct it. It is not as if there is nothing inviolable in this matter. I am always open to conviction and am prepared to hear arguments. As a matter of fact, some of the hon. Members wrote to me last evening in pursuance of my desire to be enlightened on this matter. Mr. Santhanam sent me a note to say that this resignation is not a valid one and ought not to be accepted. Another hon. Member said that there is no question of acceptance or return and so it stands. The Constitution he said does not require any act on the part of the Speaker to validate the resignation. So that point of view also has been placed before me.

On the spur of the moment I felt that the resignation was complete—there was nothing more to be done on it. I had, however, to decide on the matter as to whether the further proceedings of the House would be

interfered. Whether the resignation was valid or not, my own view was that further proceedings could not be interrupted. Therefore, I allowed further proceedings to go on. I am perfectly willing to hear the views of hon. Members as to whether the resignation is valid or not.

Khwaja Inait Ullah (Bihar): Is Mr. Mudgal now a Member of the House or not?

Mr. Deputy-Speaker: That is exactly what we are deciding. My view was that he is no longer a Member. I am prepared to hear any arguments to show that he continues to be a Member, and therefore the operative portion also holds good.

So far as the earlier portion is concerned, I have not seen any precedents to the contrary that once this House is seized of the matter of contempt, merely by a unilateral act of the other person, it will lose its jurisdiction. So far as the operative portion is concerned, if he has already resigned there is no question of expulsion. If he has not resigned the question of expulsion comes in. Therefore it is a narrow point as to how far the operative portion can be passed by this House. I would like to hear the hon. the Law Minister and also any other hon. Member who would like to speak on this matter.

Dr. Ambedkar: So far, Sir, I have submitted that it will not be open to make the resignation valid by expunging certain portions, because under rule 176A the power to expunge is confined only to the proceedings and to the debates. The letter of resignation does not form part of the debate and proceedings.

My second submission is of a totally different sort and it is this. When a question arises as to the propriety of a resignation, who is the authority to decide it? My submission is that when any such question arises, the authority to decide it is the House itself. You will allow me, Sir, to refer to a speech which I delivered in the Constituent Assembly in this very question on an amendment moved by Mr. Kamath. I said that as a matter of fact the resignation is submitted to Parliament, because the purpose of resignation is to dissociate himself from the body, namely the Parliament to which he was elected. The Speaker or the Deputy-Speaker is merely a channel of communication to the House. I said in the course of that debate that although theoretically the resignation is to the collective body of people called Parliament, it

would be quite impossible for any Member who wanted to resign to send his resignation to the 292 or 295 Members of the House. Therefore, so far as the channel of communicating his wishes that he wants to dissociate himself from Parliament is concerned, to that extent the Speaker is the person to whom the resignation is to be submitted. But if a question were to arise as to whether the resignation was in valid form or not, the matter I think has to be decided by the House itself.

Pandit Maitra: Where is it provided in the Constitution? Everything must be provided in the Constitution. Please do not forget that you have a written Constitution for this country.

Dr. Ambedkar: Therefore, my submission is this. If certain portions of the resignation cannot be expunged and they must stand part of the letter, and a question is raised whether the letter of resignation in its original form is valid or not, I think it is the House which will be called upon to decide whether Mr. Mudgal's resignation is valid or not. These are the two submissions that I wish to make with regard to the point that Mr. Mudgal's resignation is valid and has become effective so that the last portion of the motion moved by the Prime Minister has become infructuous. That is the relevancy of the whole thing. All that we have to consider is this: whether the last portion of the motion moved by the hon. the Prime Minister has been made infructuous by reason of the resignation of Mr. Mudgal, because it would not be proper for the House to proceed to do something to which it cannot give any legal effect. My submission is this that in view of the fact that Mr. Mudgal's resignation is not a valid resignation, Mr. Mudgal still continues to be a Member of the House and the last portion of the motion moved by the hon. the Prime Minister can be made effective so far as Mr. Mudgal is concerned.

Mr. Deputy-Speaker: We will assume an hon. Member tenders his resignation—it is not the case of Mr. Mudgal—and subsequently after a few moments he writes another letter to the Chair saying that he wishes to withdraw it. Is there provision for withdrawal? Can I allow him to sit and vote?

Dr. Ambedkar: No; unless the first matter is disposed of.

Pandit Maitra: Disposed of in this case simply means submission of the resignation to the Chairman or

[Pandit Maitra]

Speaker. Nothing else is contemplated in the Constitution.

Mr. Deputy-Speaker: Is there any form prescribed in the Constitution for the letter of resignation?

Dr. Ambedkar: I do not think there is.

Mr. Deputy-Speaker: Take for instance the question of leave of absence of a Member on account of illness. It is only a matter of consideration—leave has to be granted.

Or suppose a Member says if you do so and so I will tender my resignation. Then it is conditional and *prima facie* objectionable. In this connection the hon. Law Minister will refer to Rule 179—the Residuary Powers of the Speaker. Rule 179 says:

“All matters not specifically provided in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Speaker may from time to time direct.”

If questions are tabled and some portion of the question is objectionable and another portion is allowable we have been removing the objectionable portion and admitting the other portion. Even with respect to a resolution, before it is placed before the House, if the objectionable portion is separable from the other, then that portion is not allowed to be put before the House and the operative portion is placed before the House. Here we are not so much concerned with the reason as with the operative portion of it. He does not want to be any longer a Member of the House. That is my difficulty.

Shri Rajagopalachari: Sir, one important aspect is totally ignored by you in this discussion. Here is a gentleman who is charged with conduct which is derogatory to the House. Under any system of jurisprudence would it be permissible to a person who has committed a wrong and who is charged with that wrong and is under trial, whatever may be its nature, by a unilateral action to make it impossible for the tribunal to proceed with it? It is a matter of general import and application to many matters. Here is a case where he presents a letter at the last moment, after not only charging the Speaker, the Chairman of the Committee, and the Committee with grossly improper

conduct, but sits down after his speech and writes a charge against the whole House that they are not free to vote—

Pandit Maitra: That is going into the merits.

Shri Rajagopalachari: That they are under duress. That is the charge which he makes. I do not know whether hon. Members have read the resignation letter. I saw it only now. Here is a person who says “I charge you with being not free to vote, therefore I resign”. Are we to be bound hand and foot by the latter half of the letter from passing judgment as to our opinion of his conduct? I submit that law is not intended to be interpreted away in this manner. Law is intended to give effect to what we feel honestly and after full deliberation. That is the main thing to be considered. Here you have taken it for granted that if a man resigns and in the same sentence he hurls another charge not only against the Speaker, the Chairman and the Committee but the whole House, we have to ignore it and... (*Interruptions*). Interruptions do not improve the position or throw light though they may drown my voice at the moment.

Mr. Deputy-Speaker: No heat ought to be imported into this matter. We are trying to discuss a very serious matter and all its implications. I am really anxious to know what ought to be the procedure. Possibly, long after we pass away these rulings will stand for posterity. Therefore let us hear it dispassionately.

Shri Rajagopalachari: That is why I rose to explain the general principle which is obsessing my mind. It does not matter what happens to this case. If I or anybody is charged with grave dereliction of duty or with conduct which is derogatory to the House, would it be in the power of the accused person simply to stop the proceedings in effect? For the opinion we express becomes impotent. Is he to be enabled to stop the proceedings by giving in a resignation? I would not have minded even that. But he proceeds in the course of the same resignation to hurl a charge against the whole body of the House, and we are quietly considering whether we can technically expel him or not expel him. Suppose he has not done anything else but has only given the resignation for a totally different cause and says “I am unwilling to serve because you are all unable to act as Members of a Parliament”. Suppose he gives such a resignation letter. By itself

it is open to the House, I submit, not to consider the resignation technically but to consider the derogatory conduct which is encased in that resignation. I think it is a matter for grave consideration. We cannot lay down a precedent of this kind, namely, that Parliament would be unable to act when a Member says "I resign" at the last moment when he was expected to withdraw from the House and when even in that resignation he adds to his offence.

Mr. Deputy-Speaker: For the purpose of clarification may I say one or two words? The question as to whether the resignation is valid or is not valid is incidental. Normally if somebody resigns we do not mind at all. What is to be the penalty if he still continues to sit, whether it should be a penalty of Rs. 500 for sitting here, are all different questions. We have to consider it only if it is sought to be used for the purpose of blocking the other portion of the proceeding. I would only ask the Law Minister to consider this. From my own small experience let me give this analogy. Suppose I file a suit for the removal of some obstruction, for the removal of a wall which has been wrongly erected. If during the course of the injunction the other man demolishes the wall, he cannot come and say "You cannot pass a decree for demolition". Notwithstanding the fact that the very object of my suit has been achieved by his action, I am still entitled to a decree. Likewise I am considering whether it is not open to the House, notwithstanding the resignation and even accepting it as a resignation, to proceed with the original motion without deciding as to whether it is a conditional one and whether I have got a right to return it or not. When once it is seized of one matter it need not take notice of the other matter. The question of taking notice is an optional one. It is open to it to drop it, but it should relate back to the date when the motion was made. That is also a matter which the House has to consider.

The Minister of State for Transport and Railways (Shri Santhanam): I am really very sorry if I appear to take a technical point. But you may remember that I submitted a note to you. If it is only a Member of the Parliament that your ruling will govern I shall not be so concerned. But, as I have pointed out in my note to you, you have to consider the terms in which the President can resign. For instance, article 56 says:

"the President may, by writing under his hand addressed to the Vice-President, resign his office."

It is in the same terms as the terms of the resignation of a Member. Therefore, if your ruling regarding a Member stands, then it will mean that as soon as the President has sent a letter of resignation, immediately, the Presidentship ceases and there will be an interregnum before somebody formally assumes office. I think the President relinquishes office and the Vice-President resumes the office only when a *Gazette Extraordinary* is issued for the purpose. The time is vital because many laws have to be signed, many financial orders have to be signed. These things may be declared illegal if it is held that as soon as the President puts his signature on his resignation letter it becomes operative without any further public information. That will be the case with reference to the Speaker, the Deputy-Speaker.....

Mr. Deputy-Speaker: Is there any such provision in the Constitution?

Shri Santhanam: That is what I want to point out. The Constitution does not prescribe all the procedural details. When it says that a Member of Parliament will be elected it does not say that the returning officer will notify it and that it will be notified in the *Gazette of India*. All that is more or less an official routine which is implied in every statute. Therefore I submit that your ruling, that as soon as a Member signs a resignation letter it becomes operative, will have very serious implications and that the matter deserves to be carefully examined in all its aspects.

Not only in the case of a Member but in the case of the President or a Minister he may be asked to withdraw his resignation. When a Minister resigns he is often asked to withdraw his resignation. Suppose the President resigns should not the country have an opportunity to request him to withdraw his resignation? According to your ruling as soon as he puts his signature on his resignation letter it becomes absolutely operative.

Mr. Deputy-Speaker: How long after? There is a limit of time.

Shri Santhanam: I suggest that whatever is left undetermined by the Constitution will have to be decided by Parliament or by rules. Until then the ordinary rules of administrative procedure will govern all such matters. I think that is the only legitimate rule of construction. Otherwise, we will be letting ourselves in for all kinds of complications.

Mr. Deputy-Speaker: Order, order. For the sake of argument let us assume the President still continues. There is a difference in language, because article 101 (3) says: 'his seat shall thereupon become vacant'. A similar provision is essential.

Shri Santhanam: The President may resign his office. What happens when he resigns on the same construction?

Mr. Deputy-Speaker: We are trying to understand the position so far as the President is concerned. As soon as he resigns, there is no provision that there will be a *Gazette Extraordinary* etc. It is a rule adopted for purposes of publication. Otherwise it would not have been provided. Even assuming the rule is there, there must be a difference between a president and the other person who goes out. It is not extraordinary. Even if some person is disqualified or when in the absence of Members the seats have become vacant, it is not to be interpreted as the sense of the House that he ought to be placed in the same position as the President. In the case of the Member, the rule says: "his seat shall thereupon become vacant."

Shri Santhanam: Am I to understand that your interpretation of the word 'resignation' refers only to the Member and will not have application to either the President or the Vice-President?

Mr. Deputy-Speaker: The consequences of resignation are further stated here in 101...

Shri Santhanam: Here it is a question of office. There it is a question of vacation of seat. Article 56(1) says: "The President shall hold office for a term of five years from the date on which he enters upon his office." The President may in writing resign the office. The entire issue is what is the point of time on which the resignation becomes effective? That is the real issue.

Mr. Deputy-Speaker: Is it open to the Government not to issue a notification at all and keep on the President and keep a Member endlessly?

Shri Santhanam: I do not think it is right to assume that any Government will disobey the Constitution. In the case of elections it is stated that they shall be by adult franchise. Does it mean that the election becomes operative at the time of polling, before the votes are counted or before it is notified. All these procedural details will never be found in the Constitution. These details are all involved in every

article of the Constitution and they cannot be negatively because they have not been positively postulated. I think this is a matter of importance which has to be examined by both the officers of the Parliament and the office of the Law Minister much more carefully than has been the case.

Pandit Thakur Das Bhargava: So far as the present question is concerned, I have to submit a word. In regard to the findings of the Committee, I do not think there will be any person in this House possibly...

Mr. Deputy-Speaker: I would request hon. Members to say, apart from the question whether the seat has been vacated or not and they may argue on both, that the seat is or has not been vacated and even assuming that it has been vacated whether this House becomes *functus officio* so far as the latter portion of it is concerned, and assuming it is so, whether merely because he sends his resignation—and even his resignation may be valid—whether we are not competent to proceed with the matter of expulsion which was originally intended. I would like to hear him on that. I have already cited an instance.

Pandit Thakur Das Bhargava: I am not speaking on the merits of the case at all. I want however to pay my tribute to the Members and the Chairman who made this report; they did their work very well and so far as the question before me is concerned, I am surprised at the manner...

Mr. Deputy-Speaker: I would not like a general discussion once again over all these matters. If the hon. Member wants to take part he may address himself to the question of law that has been raised and the point of order that has been raised and also the general debate, so that we may dispose of that matter before I put it to the House. I shall state what the point of law is briefly...

Pandit Thakur Das Bhargava: So far as the resignation is concerned, I do not agree with the reasoning of the hon. Shri Santhanam. In my opinion according to article 101 the seat has become vacant. It only requires a unilateral act and the House and the Chair have nothing to do so far as the resignation is concerned. As soon as the resignation is given the whole thing becomes automatic and this I understand is the meaning of article 101. At the same time I for one cannot reconcile myself to the view that as soon as he had tendered his resignation the entire proceedings in the House become ineffective. This

is not my view. My submission is there is the motion before the House and the House has a perfect right to consider the motion and to record its opinion in regard to that. We record our opinions in all motions relating to various matter whether the matter is alive or dead. So far as this resignation is concerned the only effect of that will be that the House will record that the House agrees with the findings etc. etc. and further that in the opinion of the House such conduct deserved expulsion, if the House is of this opinion. The mere fact that he has tendered his resignation and withdrawn only implies that he cannot be expelled physically from the House. At the same time the finding of the House on the motion will be that the conduct of the man was such as merited punishment of expulsion. That is a perfectly relevant opinion and one which the House should record. I do not see how the House has been deprived of its jurisdiction by the act of tendering of resignation. Before the resignation was tendered the motion held good. The act which the hon. Member did was already done. We are only just looking at that act and the House is perfectly right in appreciating the same. I would therefore beg of you to amend the motion in this way, i.e., the words "resolved that Mr. Mudgal be expelled from the House", be taken away, and in their place the words, "The House is of opinion that Mr. Mudgal's conduct deserved expulsion" be substituted.

With regard to the point referred to by Mr. Ambedkar, I would very respectfully urge before the House a matter which is very important. It is quite clear that Mr. Mudgal while he was making his submissions to the House behaved in such a manner that he not only had a fling at the Chairman and the Members of the Committee and at the Speaker but he put in words to the effect in his resignation letter, that he had got no faith in the House and that the Members of the House were not independent enough to judge of his conduct. With regard to this, I would like to say this. After making his statement and withdrawing from the house and coming back to hear judgment he may have come to the house as an accused. Even as an accused a person has no right to commit libel or defame the whole House in his resignation. It is true that the resignation can be divided into two parts, the reason for the resignation and the resignation proper. But these words cannot be expunged. At the same time, if in the very act of resignation

he commits contempt of this House, this House is not powerless, though as a matter of fact the course of action is quite different. So far as his conduct there with regard to the Bullion Exchange people is concerned that was a separate affair. A Committee was appointed, it went into the question and made a report. In that report it has recorded the opinion, contained in the report. If the House is not satisfied with the proposed punishment of expulsion, the House is competent to take any other action. In one or two places he said something about the Chairman and the Members and he alleged something against us in the explanation and we ought to treat that matter on its own merits and the point of view of the hon. Prime Minister that he deserves expulsion, we can rightly endorse. But we should not be influenced in assessing his conduct with the Bullion Exchange people by his conduct in this House. His conduct in the House, I must submit with all the emphasis at my command was such that no Member of the House can possibly condone. I would therefore submit that it is a specific act which deserves consideration by this House. If a Member of the House or any other person outside the House commits contempt of this House, in whatever manner the contempt is committed, the jurisdiction of the House is there to punish such conduct. I would therefore beg of you kindly to regard this resignation as good so far as the operative part is concerned, but at the same time, take cognisance of the fact that he has committed contempt of this House. I would request the Government to take such steps as they please in regard to this specific conduct of Mr. Mudgal that in giving the resignation, he has committed contempt of this House. I can understand and if he was of this mind and if he really felt it and if he behaved under the influence of such a feeling, we would not take cognisance of that. Myself and some other Members of the Nationalist Party resigned our seats from the Assembly in 1930. At that time we wrote very hard things against the bureaucracy. I said that I would not like to come to this House as long as this House was not invested with full powers. So far as those reasons were concerned, those reasons may be good. But, in the circumstances which have transpired in the House, Mr. Mudgal wanted deliberately to insult this House. First of all he said he will abide by the decision of his Peers; then, all at once after getting two minutes time from you, he scribbled something and said that he had no faith in this House. That is mere

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contempt of this House. I would beg of you therefore kindly to keep the two things apart. So far as the first question is concerned, we ought to endorse the motion with this difference that the last words may be substituted by saying that the House is of opinion that his conduct deserved expulsion. As regards the second part, my submission is that it is a separate cause of action and the House if it so chooses can take action for contempt of the House.

Mr. Deputy-Speaker, Dr. Pattabhi. I shall call Pandit Kunzru next.

Dr. Pattabhi (Madras): The proposition before the House which was current till yesterday and is perhaps current still...

Mr. Deputy-Speaker: The hon. Members may speak as briefly as possible—they will not have another opportunity to speak, I want to close the debate—both on the question of law, on the Constitution and everything.

Dr. Pattabhi: I will not trouble you for another chance.

The proposition before the House pleads for the expulsion of the Member. Expulsion involves severance of connection of the Member concerned with Parliament plus a moral stigma. So far as the former is concerned, the accused has forestalled our judgment by severing his connection at a particular stage and has very cleverly averted the moral stigma. Therefore, the mere fact of his resignation has not invalidated the proposition before the House which is more comprehensive in its scope and therefore compels the House to look to that portion which has not been taken note of by the accused and which has been sought cleverly to be avoided. My point is this. As I stand here, I feel that hon. Prime Minister's proposition is still valid before the House because the whole object of the proposition has not been met by the Member.

Having said that much, I go back to the terms of the resignation. There is very little doubt that the resignation has to be considered. But, whether it has to be followed up by something in order to bring in the moral stigma which we wanted to inflict is a point before the House. The resignation cannot become invalid by reason of the causes assigned for it. But, if in assigning the cause, he has committed a fresh act and made a defamatory allegation, then, he is

liable to be taken to task for that. On this point, the hon. Member who has preceded me has dwelt at length and therefore I do not wish to take up more time. In substance, then, I say that the hon. Prime Minister's proposition is still before the House and must be acted upon and if for any reason you think it is out of court, then, it must be followed up by an additional statement which brings the moral stigma on to the person concerned.

Pandit Kunzru: There are two distinct questions before the House, as you have stated more than once. One is whether the resignation of Mr. Mudgal has become effective, and the other is whether notwithstanding the resignation, we can proceed against him. The Members of the Treasury Benches who have so far spoken seem to be under the impression that if Mr. Mudgal's seat has already become vacant, this House will be deprived of an opportunity of expressing its opinion with regard to his conduct. Whatever the consequences of the vacation of Mr. Mudgal's seat may be, we have to consider whether the Constitution allows us or leaves room for doubt on the subject.

Mr. Santhanam finds an analogy between articles 56 and 101. But, he ignored the language of article 101, even after you drew his attention to it. In order to bring this point home to him and other Members, I shall venture to read out clause 3(b) of article 101:

"If a member of either House of Parliament resigns his seat by writing under his hand addressed to the Chairman or the Speaker, as the case may be, his seat shall thereupon become vacant."

There is no room for argument there. Whatever construction be placed on article 56 the language of article 101 is quite plain. A Member vacates his seat as soon as his resignation has been communicated to the Speaker. Therefore, I venture to think that the ruling that you gave yesterday that Mr. Mudgal had resigned and that his seat had become vacant was perfectly in accordance with the language used in the Constitution.

The question that remains to be considered is whether notwithstanding the effectiveness of his resignation, he could be proceeded against. Now, if the House can proceed against outsiders for contempt, I see no reason why the House should not be able to proceed against a person who has resigned his Membership of Parliament. So far as

I know, the books dealing with Parliamentary procedure do not mention any case in which a Member after a motion for his expulsion or his committal or for any other kind of punishment had been placed before the House, had resigned before the motion was finally disposed of. We have therefore no precedent to be guided by. But, taking a common sense view of the matter, I think that notwithstanding Mr. Mudgal's resignation, this House has a right to take notice of his conduct. The motion before the House proceeds on the ground that his conduct was unworthy of a Member of this House. It may be said that as he is no longer a Member of this House, this question cannot be considered. But the conduct that is being considered relates to a time when Mr. Mudgal was a Member of this House, and if the House has a right to proceed against the Press, or against any official or against any member of the public for contempt. I see no reason why this House should not be able to proceed against a Member whose conduct as a Member was derogatory to it. Apart from this, Sir, if the language used by Mr. Mudgal in his letter of resignation casts an aspersion on this House it may be a ground as the Prime Minister said yesterday, for taking further action against him. But whatever the consequences of the resignation might be—and I have stated my view on it—it should not deter us from appreciating the language of article 101. I go so far as to say that even if by his conduct, he manages to escape our censure, we have no option but to accept the plain meaning of the words used in article 101 of the Constitution. I do not think that Mr. Mudgal's resignation prevents us from dealing with his case in any manner we like, particularly in connection with the language of his resignation. But the question before us now is whether his seat has become vacant or not, and I trust Sir, that you will not modify the ruling that you gave yesterday which seems to me to be thoroughly justified by the words of clause 3 of article 101.

✓ **Shri Syamnandan Sahaya (Bihar):** There are three points to be considered in this matter. The first question is, whether there is a complete finality about the resignation that has been given. I submit that whatever hair-splitting distinctions might have been made or might be made hereafter, the position is quite clear that if a Member resigns his seat that seat thereupon becomes vacant. So, so far as the vacancy of the seat goes, the position is quite clear. It is vacant, in my opinion. The person does not now remain a Member of this House.

The second question is, whether the proceedings in this House get automatically dropped. I submit that that is not the position at all. The proceedings continue, because this House is seized not only of the conduct of a Member of the House, but of any one outside also. Even if the person becomes an outsider now, this House is quite competent to look into the case and continue the proceedings.

The third question is, what are we to do in the present circumstances? So far as this case is concerned, the guilt has been proved and everybody here has spoken in support of the recommendations. The whole question is whether the motion as it is at present framed meets the requirements of the case. Now, while agreeing with the first part of the motion, one feels that an expulsion at this stage will be like whipping a dead horse. Whom are we going to expel? If the contention that the person ceases to be a Member is correct, then there is no expulsion. That does not mean that the House has no power to censure the person or take other steps. After all, the whole purpose of expulsion is to censure the conduct of the Member and to remove him and under the rules, the House has the power to censure a person. He can even be put into prison, as in the House of Commons, but unfortunately we have no Tower of London here. It is also possible to debar the person from becoming a Member by standing at the next election. I do not know if the Election Rules would be a bar against that. In any case, the whole purpose, as has been pointed out, is to let the world know that the conduct of this particular Member has not been liked by Parliament and that Parliament has, therefore, censured that particular Member. Expulsion, therefore, will not meet the requirements of the case and I think the motion of the hon. the Leader of the House has to be amended in the light of this and I submit that instead of the word "expulsion" the word "censure" may be used.

Pandit Maitra: I do not propose to take a long time over this question, because this question was discussed partially yesterday. While discussing this question yesterday, I made it quite clear to the House that we are discussing a constitutional issue. I say this because so far as I am concerned, I feel that most of the Members who have spoken so far have made it clear that they are not at all concerned with the merits of the case. The point really is, whether this resignation is valid or not, and whether under the

[Pandit Maitra]

present circumstances, the motion that has been brought before the House can be pursued or not. These, in my opinion are the two important points.

Sir, there has been a lot of discussion and a good deal of difference of opinion on these two points. My hon. friend the Law Minister read out at considerable length his own speech in connection with this subject which he delivered to the Constituent Assembly. His argument seems to be—if I understood him aright—and he will correct me if I am wrong—that the Speaker of the House is merely a post-office or a mouth-piece a channel or a conduit pipe, through which is communicated the decision or the intention of the Member who wants to resign, to the Members of Parliament.

An Hon. Member: No, no.

Pandit Maitra: No use of saying 'No, no' to me. That is what the Law Minister said; I do not hold that view. Now, if that had been the position, there would have been a specific provision in article 101. In that article there should have been something to that effect. But I maintain that in such a matter as this where a Member personally delivers a letter of his resignation, in his own handwriting, no option is left to the Speaker or the Chairman whoever it be. And here I may say that I am tired of hearing in this House that this House is sovereign, sovereign, sovereign. We should remember that we have given a Constitution unto ourselves and we know the provision in article 105 on which the whole stand is taken, namely that so long as Parliament does not enact any specific rules for its own powers and privileges etc. the practices in the House of Commons will be followed. That is the article under which this matter is being proceeded with.

11 A.M.

Mr. Deputy-Speaker: Is it derogatory to the sovereignty of the House?

Pandit Maitra: I never said it but the constant repetition of the word sovereignty does not carry us anywhere. That is my point. Everybody knows that it is not a Municipal Committee nor a District Board but a sovereign Parliament of the land.

The question is whether that was a valid resignation. My friend Mr. Santhanam has given a note which I have not had the privilege or honour

to see but portions of it were quoted in the House. With great respect to the Minister of State for Railways I would say that his contention cannot be accepted by any judicial mind. (An Hon. Member: He is a railway man.) He is a railway man interested in moving trains and causing accidents and disasters!

The Minister of States, Transport and Railways (Shri Gopaldaswami): Question, Sir.

Shri Santhanam: I am assisted in the process by the hon. Member who is a member of the Standing Finance Committee for Railways.

Pandit Maitra: My friend seems to think that a resignation, if it is to be operative, must not only be delivered but that there must be some other agency to scrutinise it and see that it is acceptable. In this connection argument has been raised about unilateral action. How can a resignation be either a bilateral or multilateral action? If it is intended under the Constitution that whenever a Member resigns that resignation must be scrutinised to see if there are valid grounds to accept it, there must have been some provision like that and then there would have been considerable force in that argument. I therefore maintain that article 101 of the Constitution makes it abundantly clear, beyond the least shadow of a doubt, that two ingredients are necessary to make a seat vacant. The man must have.....

Dr. Ambedkar: A pen!

Pandit Maitra: ...his intention declared in writing in his own hand and deliver it.....

Shri Santhanam: No delivery is involved.

Pandit Maitra: ... address it to the Chairman or President and *ipso facto* the seat becomes vacant. Attention has been drawn to article 56 as also to article 75, where the question of the resignation of the Ministers is considered. With regard to article 56 I maintain that even there the President signing a letter of resignation is enough. There is no question of acceptance or otherwise involved. With regard to the President's resignation also the scheme contemplated is exactly on a par with that provided in article 101. With regard to the resignation of Ministers the matter is entirely different. According to article 75.....

Shri Saathanam: I only quoted the practice.

Pandit Maitra: There is no question of Ministers resigning. The Ministers shall hold office during the pleasure of the President. That is all that is provided. It means that if any Minister wanted to resign.....

Shri Naziruddin Ahmad: God forbid!

Pandit Maitra:..... I am taking only a hypothetical case, the question of resignation would not arise because he holds office during the pleasure of the Prime Minister.....

Dr. Ambedkar: Of the President.

Pandit Maitra: Yes, but what actually happens is that the President acts on the advice of the Prime Minister. If the Prime Minister says to the Minister concerned "You carry on. I do not want you to go" the question of resignation does not arise. But the scheme of things in article 101 is entirely different and I beseech my hon. friends to take note of it. The point is made clear beyond the least shadow of a doubt that as soon as that procedure is followed the seat becomes vacant. I would therefore submit respectfully that your ruling on the subject on this particular question is perfectly right and is in consonance with article 101 of the Constitution.

The question then arises what is to be done next? I do not for a moment deny the competence of this House to proceed on the analogy of the procedure in the British House of Commons with regard to even an outsider. For all practical and legal purposes that gentleman has ceased to be a Member and if my hon. friend Dr. Ambedkar's interpretation is correct, and he comes and sits in the House, the House will be perfectly entitled to demand from him a penalty of Rs. 500 for each day of such attendance. My friend Dr. Ambedkar's pleading will not help him and all the same he will be fined and penalised for sitting in the House after he had sent in his resignation.

Dr. Ambedkar: No, no.

Pandit Maitra: The Member's presence can be challenged in a court of law. I maintain that if after delivery of his resignation the Member were to sit in the House today he would have rendered himself liable to the penalties provided in the Constitution. That is my considered opinion. I want somebody to challenge that statement. So we are only interested in the constitutional issue in the sense that we

are creating a precedent for our guidance in the future.

Dr. Ambedkar: No, no.

Pandit Maitra: To him the present is all that matters but I have to look beyond the present.

Shri Syamnandan Sahaya: Is the Member entitled to today's allowance?

Pandit Maitra: Not at all. If he is to be proceeded against he should be proceeded against for contempt of the House on the footing of an outsider....

Dr. Ambedkar: Let him draw a little allowance: why do you object!

Pandit Maitra: Then the House will be faced with this question. We started to deal with a particular Member of the House for his scandalous conduct. We could not get at him, because he somehow slipped through. You can call it circumventing: I do not know how it is circumventing. He has shown ingenuity and he has befooled us. Let us be frank about it.....

Mr. Deputy-Speaker: To cut short the discussion I may point out that the Prime Minister is going to move an amendment to the motion saying that for the words "and resolves that Shri Mudgal be expelled from the House" the following be substituted:

"and resolves that Shri Mudgal deserves expulsion from the House, and further that the terms of the resignation letter he has given to the Deputy-Speaker at the conclusion of his statement constitute a contempt of the House which only aggravate his offence."

Therefore all the points are met and nothing more is necessary. I would ask the Leader of the House to move it formally.

Pandit Maitra: On the existing motion the Member could not be proceeded against but on this amended motion he could be. If the Prime Minister moves it then the procedure will be regularised.

Khawaja Inait Ullah: One thing must be settled for the future, namely whether at such a point any Member who was going to be convicted by Parliament can resign.

Prof. K. K. Bhattacharya (Uttar Pradesh): Can a man called for punishment by the House resign and if so, cannot the Chair withhold his resignation?

Mr. Deputy-Speaker: It has been argued both for and against. We

[Mr. Deputy-Speaker]

have heard sufficiently about the matter.

Shri Damodara Menon (Travencore-Cochin): Have you, Sir, the power to expunge the objectionable portion of the resignation letter?

Mr. Deputy-Speaker: If it is expunged then that portion of the motion will become infructuous.

Pandit Kunzru: When Mr. Mudgal is not a Member of the House how can you say that he deserves expulsion? You can say that he should be reprimanded and according to the rules of the House of Commons we can.....

Shri Sidhva (Madhya Pradesh): "deserved expulsion".

Shri Bharati: Past tense.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Sir, I have listened with great care and attention, except that my attention strayed a little occasionally, to the numerous speeches delivered on this question, to the arguments raised and have groped for light. I confess that as the argument proceeded I felt more and more that I was in some underworld, where lawyers argued and debated and the darkness grew.

So I will not enter into this controversy except to say that after hearing all this argument I am convinced or rather I continue to hold the opinion that my motion as it was is still a good one and that whatever has happened has not made any vital difference to it. However, I do not wish to lay stress on that point because we have to proceed to other business, and if we find another satisfactory way of dealing with it which meets with the pleasure of the House, certainly it is right and desirable that we should adopt it. It is because of this that I beg to move the amendment which has already been mentioned by you, Sir, that at the end of the motion where it is said, "and resolves that Shri Mudgal be expelled from the House", it should read, "and resolves that Shri Mudgal deserved"—past tense, if it pleases Members; I am happy with the present but if the past is preferable we will have the past:

r. "and resolves that Shri Mudgal
s. deserved expulsion from the House,
and further that the terms of the
v. resignation letter he has given to
h. the Deputy-Speaker at the conclusion of his statement constitute a contempt of the House which only aggravate his offence."

Shri Shiva Rao (Madras): May I suggest a slight verbal amendment for the consideration of the Prime Minister, and that is that in the fourth line instead of "Member of Parliament" we might say, "while a Member of Parliament".

Shri Sonavane (Bombay): As reference is already there to his membership, it is unnecessary to have those words.

✓ **Shri Syamnandan Sahaya:** Instead of the word "resolves"—actually we are not resolving anything—we may say, "is of the opinion.....".

Shri Jawaharlal Nehru: May I say that a motion is an expression of opinion rather strongly?

Mr. Deputy-Speaker: The language is all right.

Prof. K. K. Bhattacharya: Would you not add the words, "during his membership of Parliament", Sir?

Mr. Deputy-Speaker: Even outside if he does any offence against the House he can be charged with contempt. The words "Member of Parliament" are specifically referred to here and we need not say anything further.

Now I will put this to the House. I do not think, in view of this amendment, there is any need to give any ruling about the various points that have been raised.

Khawaja Inait Ullah: What is your ruling about the resignation and the question whether it is valid or not?

Mr. Deputy-Speaker: I have already said that it has taken effect—otherwise this amendment will not fit in. If we still continue the old wording or say "deserves expulsion" he will come and sit here tomorrow. If we accept the amended motion it is implied that the resignation has taken effect. Otherwise what will happen is that he will say, "You only expressed an opinion that I deserve expulsion" and he will come and sit here. I have heard all the parties and there is absolutely no provision for me to reject the resignation as it is an unconditional one. And whatever might have been the grounds, as the hon. Leader of the House has referred to it in the amendment moved, he has aggravated the offence and committed a contempt of the House.

Shri Rajagopalachari: And the expunging becomes unnecessary.

Mr. Deputy-Speaker: Yes, as a matter of fact, if it is expunged this

amendment and its wording will not be relevant. This amendment takes note of that and condemns it in as strong a language as possible. There is no extenuating circumstance at all. On the other hand, one would expect that having done something he would appeal to the House it may be condoned, but far from doing anything of the kind during his statement he aggravated it by saying that he has no confidence in this House. Therefore, that language of the amendment is appropriate.

The ruling which is necessary before I put the amendment to the House is that so far as his resignation is concerned, the resignation takes effect from the time he handed it over to me though all the other things mentioned in it are not called for. Personally I am of the opinion that notwithstanding the resignation, the House, once it is seized of jurisdiction over this matter, can continue in its original term itself, that is expulsion itself may continue. We need not take notice of the circumstances that arose, but anyhow all controversies are set at rest by the amendment that has been tabled. Therefore, I hope that there will be no dissentient voice on this and it will be unanimously accepted by the House.

Shri Naziruddin Ahmad: In view of the fact that this new turn has taken place, I beg permission to withdraw my amendment, Sir.

Mr. Deputy-Speaker: Has the hon. Member leave to withdraw his amendment?

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: Now I will put the amendment to the motion moved by the hon. Leader of the House.

The question is:

That for the words, 'and resolves that Shri Mudgal be expelled from the House', occurring at the end of the motion, the following be substituted:

"and resolves that Shri Mudgal deserved expulsion from the House, and further that the terms of the resignation letter he has given to the Deputy-Speaker at the conclusion of his statement constitute a contempt of this House, which only aggravate his offence."

The motion was adopted.

Mr. Deputy-Speaker: Now I will put the motion, as amended.

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The question is:

"That this House, having considered the Report of the Committee appointed on the 8th June, 1951 to investigate into the conduct of Shri H. G. Mudgal, Member of Parliament, accepts the finding of the Committee that the conduct of Shri Mudgal is derogatory to the dignity of the House and inconsistent with the standard which Parliament is entitled to expect from its Members, and resolves that Shri Mudgal deserved expulsion from the House, and further that the terms of the resignation letter he has given to the Deputy-Speaker at the conclusion of his statement constitute a contempt of this House, which only aggravate his offence."

The motion was adopted.

Mr. Deputy-Speaker: The motion has been adopted unanimously.

Shri Karunakara Menon (Madras): May I know, Sir, when action against this contempt is going to be taken by the Speaker?

Mr. Deputy-Speaker: That may be considered later. There is no question of any further action that is contemplated at present.

Shri B. Das (Orissa): May I submit, Sir, that this unhappy incident may be referred to a Committee of privileges? They may then advise the hon. Speaker on the action that should be taken.

Mr. Deputy-Speaker: There is a special Committee; it has reported and made recommendations also. The matter was referred to yesterday as to how the House should make rules and regulations. It is a matter which will be taken up independently.

HINDU CODE—contd.

Clause 4.—(Overriding effect of Code.)

The Minister of Law (Dr. Ambedkar): May I submit, Sir, that my motion with respect to clause 4 of the Hindu Code, which was held over, may be put and then the other business may be taken up?

Mr. Deputy-Speaker: The hon. Minister wants preference to be given to the Bill with respect to that part of it. The other day the discussion and report on the clause was over, but just as was about to put it to the House hon. Members said it might take a long time and as it was 1-15 P.M. we had to adjourn. We will now finish it.

[Mr. Deputy-Speaker]

I will now put the amendment of Pandit Thakur Das Bhargava.

The question is:

That for clause 4, the following be substituted:

"4. Any text rule or interpretation of Hindu Law or any customary usage in force immediately before the commencement of this Code shall have effect with respect to any of the matters not dealt with in this Code."

The motion was negatived.

Mr. Deputy-Speaker: Now we come to amendment No. 449.

Pandit Thakur Das Bhargava (Punjab): I beg to withdraw it.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

That in the amendment proposed by the hon. Dr. Ambedkar, in part (a) of the proposed clause 4, the words "or any custom or usage" be omitted.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

That in the amendment proposed by the hon. Dr. Ambedkar, in the proposed new clause 4,—

(i) in part (a), after the words "dealt with in this Code" the words "after ten years from the commencement of this Code" be inserted; and

(ii) after part (b) the following *Explanation* be added:

Explanation.—Notwithstanding anything contained in sub-section (a), for a period of ten years from the commencement of this Code, any text, rule or any custom or usage in force, shall have effect."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

That in the amendment proposed by the hon. Dr. Ambedkar, in part (a) of the proposed clause 4, after the words "this Code", where they occur for the second time, the words "in so far as it is inconsistent with any of the provisions contained in this Code" be inserted.

The motion was negatived.

Mr. Deputy-Speaker: We pass on to the next amendment now.

The question is:

That in the amendment proposed by the hon. Dr. Ambedkar, to the proposed clause 4, the following proviso be added:

"Provided that this Code shall not override such existing usage, custom and law as form part of the distinct culture of any section of the people to whom this Code applies."

The motion was negatived.

Mr. Deputy-Speaker: The next amendment is 380. The question is:

That for clause 4, the following be substituted:

"4. All texts, rules or interpretations of Hindu Law or all customs and usages and all other laws in force immediately before the commencement of this Act, in so far as they may be inconsistent with this Act, shall, to the extent of the inconsistency, cease to have effect."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

That for clause 4, the following be substituted:

"4. All texts relating to, and all rules of interpretation of Hindu law in the sacred books or in judicial pronouncement of superior courts in India or of the Judicial Committee of the Privy Council or in the text books and commentaries of learned writers and authors or otherwise, and all customs and usages in force immediately before the commencement of this Code, in so far as they are inconsistent with this Code, shall, to the extent of the inconsistency, cease to have effect."

The motion was negatived.

Mr. Deputy-Speaker: The next one is 420.

Pandit Thakur Das Bhargava: I beg to, withdraw it.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The amendment No. 129 by Sardar Hukam Singh is barred. Now 130.

The question is:

That to clause 4, the following proviso be added:

"Provided, however, that this Code shall not override any text, rule or interpretation of Hindu Law, or any custom or usage or any other law in force immediately prior to the commencement of this Code which has the sanction of Hindu religion or any other religion to the followers of which religion or religions this Code will apply:

Provided further that this Code shall not override such existing text, rule or interpretation of Hindu Law, or any custom or usage or any other law in force which has sanction of morality behind it."

The motion was negatived.

Mr. Deputy-Speaker: I shall now put **Dr. Ambedkar's amendment No. 6.**

The question is:

For clause 4, substitute:

"4. *Overriding effect of Code.*—
Save as otherwise expressly provided in this Code:—

(a) any text, rule or interpretation of Hindu law or any custom or usage in force immediately before the commencement of this Code shall cease to have effect with respect to any of the matters dealt with in this Code; and

(b) any other law in force immediately before the commencement of this Code shall cease to have effect, in so far as it is inconsistent with any of the provisions contained in this Code."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Mr. Deputy-Speaker: The House will now proceed with other legislative business.

Pandit Maltra (West Bengal): What about the further clauses?

Mr. Deputy-Speaker: The other business is on the order paper.

After that is disposed of, this will be taken up.

PLANTATIONS LABOUR BILL

The Minister of Labour (Shri Jagjivan Ram): I beg to move:

"That the Bill to provide for the welfare of labour and to regulate the conditions of work, in plantations, be referred to a Select Committee consisting of **Dr. Panjabrao Shamrao Deshmukh, Shrimati Renuka Ray, Shri R. Venkataraman, Shri Kshudiram Mahata, Shri N. Alexander, Shri Maheswar Naik, Shri J. N. Hazarika, Shri B. Shiva Rao, Shri Satis Chandra Samanta, Shri Upendranath Barman, Shri Ari Bahadur Gurung, Shri Harihar Nath Shastri, Shri Bijoy Kumar Pani, Shri Kishorimohan Tripathi, Shri A. K. Menon, Shri Dev Kanta Borooah, Prof. N. G. Ranga, Shri Jaipal Singh, Shaik Mohiuddin, Shri C. M. Poonacha, Shri M. V. Rama Rao, Shri V. S. Sivaprakasam,** and the Mover, with instructions to report by Saturday, the 29th September, 1951."

Sir, the plantation industry is one of the biggest organised industries in India judged either by capital invested, value of production, or number of persons employed. Tea plantations provide employment to about nine and a half lakhs of workers, coffee one and a half lakhs and rubber estates about half a lakh. The acreage under tea, coffee and rubber respectively is 766,541, 197,826 and 154,559. In spite of this, there is at present no legislation except a few to regulate the conditions of labour in the industry. The Tea Districts Emigrant Labour Act enacted in 1932 applies only to Assam, and is not strictly speaking a piece of labour legislation. It is more a legislation on emigration as it regulates the conditions of recruitment of labour for employment in the tea gardens of Assam. The Workmen's Compensation Act, 1923, which applies to estates growing cinchona, coffee, rubber or tea also does not confer any substantial benefit on plantation labour. Besides, there are a number of other Labour Acts, for example, the Minimum Wages Act, 1948, the Payment of Wages Act, 1936, the Industrial Disputes Act, 1947 and the Industrial Employment Standing Orders Act, 1946, which are applicable to plantation labour. These enactments however benefit plantation labour to only a very limited extent.

✓ The Labour Investigation Committee's report on plantations in India observed that as the conditions of life and employment on plantations were different from those in other industries, it would be very difficult to fit

[Shri Jagjivan Ram]

plantation labour into the general framework of the Industrial Labour legislation without creating serious anomalies. The Committee recommended a Plantation Labour Code covering all plantation areas.

The need for a separate plantation legislation was duly recognised by the Ministry of Labour which in its five year programme envisaged that improvement of wages and living conditions of plantation labour should be one of the first tasks of the Government to secure. A Conference of representatives of State Governments, employers and workers was convened in New Delhi in January, 1947 which discussed specialised problems of the plantation industry. It was agreed that there should be separate legislation to regulate the conditions of plantation workers. A memorandum setting out the outlines of plantation legislation was therefore prepared and placed before the second Session of the Industrial Committee on plantations held in March-April, 1948. The Committee accepted the Memorandum generally. The proposals were again discussed at the first Session of the Standing Plantation Committee held in September, 1949, when it was agreed that there should be a comprehensive Plantation Act applicable throughout India and that, in the first instance, it should apply to Tea, Coffee, Rubber and Cinchona Plantations. The proposals were subsequently incorporated in the form of a Departmental Bill which was discussed at the third Session of the Industrial Committee on Plantations held in November, 1950, where the main principles of the Bill were generally accepted. The Conference was attended by representatives of State Governments concerned, Employers and Workers' organisations.

The Bill extends to the whole of India except the State of Jammu and Kashmir and comes into force on such date as the Central Government may by notification in the official Gazette, appoint. It will apply in the first instance to Tea, Coffee, Rubber and Cinchona Plantations, but the State Governments are empowered, subject to the previous approval of the Central Government, to apply it to any other class of Plantations as well. A "Plantation" has been defined as any land which is used, or intended to be used for growing Tea, Coffee, Rubber or Cinchona which comprises ten acres or more or whereon twenty or more persons are employed, or were employed on any day of the preceding twelve months. A "Worker" has been defined as a person employed on a Plantation estate for hire or reward,

whether directly or through any agency to do any work, skilled or unskilled, manual or clerical, but does not include a medical attendant and a person whose monthly wages exceed Rs. 200. It also does not include any person employed for the management of a Plantation, whether as a Manager, Assistant Manager, Supervisor or in any other capacity thereto.

The salient features of the Bill are:—

(i) Appointment of duly qualified persons as Chief Inspectors and Inspectors for purpose of properly implementing the provisions of the Bill in each State.

(ii) Appointment of certifying surgeons for the examination and certification of workers.

(iii) Provisions of sufficient supply of wholesome drinking water for all workers.

(iv) Provision of such medical facilities for the workers as may be prescribed by the State Government.

(v) Powers have been vested in the State Government to make rules requiring plantations wherein two hundred and fifty workers are ordinarily employed, to provide one or more canteens.

(vi) Provisions of creches where more than one hundred women workers are employed.

(vii) Powers have been vested in the State Government to make rules requiring plantations to provide educational facilities.

(viii) Provision of housing accommodation for every worker and his family residing in the Plantations. It is proposed to vest the State Government with powers to make rules for prescribing the standard and specifications of accommodation.

(ix) No worker can be required to be allowed to work in excess of 54 hours a week and no adolescent or child for more than 40 hours a week.

(x) The State Government may make rules provide for weekly day of rest which shall be allowed to all workers.

(xi) Every worker in a plantation shall be allowed leave with wages at the rate of one day for every thirty days of work in the case of an adult or adolescent, and one day for every twenty days in the case of a child. The leave shall not accumulate for more than 30 days.

(xii) The employment of children under twelve is proposed to be prohibited. No woman or child worker, other than midwives and nurses, except with the permission of the State Government, shall be employed in any plantation—otherwise than between hours of 6 A.M. and 7 P.M.

(xiii) The Bill also provides that every worker shall be entitled to obtain from his employer sickness allowance on the certificate of a qualified Medical Practitioner, and maternity benefit in the case of women for such period and such intervals as may be prescribed. Power has been given to the State Government to make rules regulating the payment of sickness or maternity allowance.

(xiv) The Central Government are authorised to issue directions to the Government of any Part 'A', 'B' or 'C' States as to the carrying into execution in the State of the provisions of this Bill.

(xv) The State Governments may exempt, subject to the previous approval of the Central Government, any employer from all or any of the provisions of this Bill.

These are the salient features of the Bill and if it is enacted, it will go to some extent to improve the conditions of workers in plantations and also provide them with certain amenities. I do not want to take more time of the House and commend my motion for the acceptance of the House.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to provide for the welfare of labour and to regulate the conditions of work, in plantations, be referred to a Select Committee consisting of Dr. Panjabrao Shamrao Deshmukh, Shrimati Renuka Ray, Shri R. Venkataraman, Shri Kshudiram Mahata, Shri N. Alexander, Shri Maheswar Naik, Shri J. N. Hazarika, Shri B. Shiva Rao, Shri Satis Chandra Samanta, Shri Upendranath Barman, Shri Ari Bahadur Gurung, Shri Harihar Nath Shastri, Shri Bijoy Kumar Pani, Shri Kishorimohan Tripathi, Shri A. K. Menon, Shri Dev Kanta Boroah, Prof. I. G. Ranga, Shri Jaipal Singh, Shri Mohiuddin, Shri C. M. Bonacha, Shri M. V. Rama Rao, Shri V. S. Sivaprakasam, and the Mover, with instructions to report by Saturday, the 29th September, 1951."

Shri Khandubhai Desai (Bombay): Sir, I do not want to take much time of the House, because I am interested

that this Bill should become an Act as early as possible. I must, in this connection, express my gratefulness to the hon. the Labour Minister for bringing forward this Bill. The House will realise that plantation labour is one of the most neglected sections of the working classes in the country. For obvious reasons, the details of which I need not go into at this stage, the House will be surprised to know that before independence in 1947, all these gardens were a sort of isolated kingdoms managed by the planters and they would not allow any outside influence, or contact with plantation labour. This naturally resulted in gross exploitation of the plantation labour for nearly two to three generations.

As the House is well aware the tea industry is one of our most important foreign exchange earning industry. But it has been built up on the sweat and toil of thousands of people who have been extracted from their natural habitation to develop these plantations on hills and marshy areas infested with malaria and all sorts of diseases. The planters took full advantage of the political condition of the country in the last two or three generations to develop their industry; but the human factor in the industry was grossly neglected. As I said plantation labour had no contact with the outside world. As a matter of fact most of these plantation gardens are little castles guarded by the planters themselves. About five or six years back if any of us wanted to go to any of these plantations, we could have been denied an opportunity on the plea that it was private property. Most of the plantations, miles together, are owned by the planters who would not allow anybody to enter that field. I may just say that in 1938 Mr. Giri who was the Labour Minister went to one of the South Indian plantations where he talked to a labourer and enquired of him whether he had got any difficulties. The poor labourer made some complaint. The result was that after he came down—of course the hon. Mr. Giri could not be there for all the time—that particular worker was dismissed. That was in 1937 or 1938. Thanks to independence for the first time our hon. Labour Minister went in 1946 to one of the South Indian plantations, and the door was opened for the outside people to get into the plantations. I am in a position to state today that in the last four years, under the auspices of the Indian National Trade Union Congress, for the first time the plantation labour has been able to see some sort of civilisation. That is, people from outside are now able to go there, talk to them, understand their problems. And I must say that after independence this

[Shri Khandubhai Desai]

is the first time that labour conditions in the plantations are sought to be regulated.

It has always been pointed out that plantation is agriculture, and agriculture means a provincial subject. We have got four Provinces in which plantations are situated more or less—Assam, Bengal, Madras and Travancore-Cochin. Under the pretext and the technical ground of plantation being agriculture, a provincial subject, no law was applied to it. Gradually some laws were applied, but the planters were very powerful interests, and the result was as I said in the beginning that plantation labour was entirely neglected.

As it is, it must be realized that certain provisions have been made in this Bill for education, medical aid, housing etc. I think the Select Committee will look into these a little further and make particularly these three or four provisions more effective. Because, let the people in this country realize that plantations are situated in such regions where for miles together they have no human contact. So if the plantation labourers' children are to be educated it must be the duty and obligation of the plantations to make provision for them. The same thing applies more or less to medical and housing facilities, because as I said within miles of these plantations there is no school which is owned either by any public authority, Municipality or Government. There are no medical facilities. And the plantation labour has got no housing also.

As I said, I do not want to take much of the time of the House because the time at the disposal of this Parliament in this session is very short. So I wholeheartedly support this Bill and when the Bill goes to the Select Committee I hope that in the next two or three days some suggestions will be made by the Members of the Select Committee which will be incorporated in the Bill. It is not that I am completely satisfied with this Bill. Anyway it is just the beginning of regulating plantation labour and bringing about a uniformity for the first time. If you get this sort of Code on the statute book the experience gained will go a long way in bringing about uniformity and getting the Code amended as time passes.

Dr. M. M. Das (West Bengal): Sir, while making his motion for reference of this Bill to the Select Committee the Hon. the Mover has tried to impress

upon the House the necessity of bringing such a legislation. He has mentioned various Labour Acts and has quoted from the Labour Investigation Committee to substantiate his argument. The fact that plantation labour stands altogether on a different footing from the other sections of labour, the fact that the conditions of life and employment in plantation labour are altogether different from those of other industries seem to be the main contention of his argument. It is true that the provisions of the different Labour Acts that are already in force in this country do not safeguard adequately the various interests of plantation labour. Judging from this point of view I am fully convinced that there really exists a necessity for a legislation of this kind. Therefore I give my whole-hearted support so far as the principles of this Bill are concerned.

Coming to the various provisions of this Bill it appears to me that these provisions can be broadly classified under two heads. Some of the provisions are really necessary, justifiable, pragmatic and therefore should be implemented. There is a second category of provisions which in my opinion and judging from the conditions that prevail in this country today are unjustifiable, impractical and cannot be implemented. I propose to make a few observations so far as this second category of provisions is concerned, namely, which seem to me impracticable and which cannot be implemented.

Sub-clause (4) of clause 1 provides that in addition to tea, coffee, rubber and cinchona plantation the provisions of this Bill may also apply, if a State Government so desires, to any other plantation within the State. For argument's sake let us assume that the Government of West Bengal in their anxiety and enthusiasm to please the Central Government makes the provisions of this Bill applicable to the paddy growers of West Bengal. (Interruption). It can be applied. The provision is there. Why do you make such a provision? The definition of the word "plantation" is given in part (f) of clause 2. To satisfy this definition either of two conditions is necessary. Firstly the plantation land or the cultivated area must have a minimum of ten acres and secondly the employer must employ at least twenty heads for any one day in the preceding twelve months. The pressure of work for a paddy grower in Bengal is at the maximum during two times of the year, during the transplantation season and during the harvesting season. During the transplantation season when the

fields are ready and the seedlings are grown, the paddy growers want to finish their job of plantation as quickly as possible. During the harvesting they also want to do that job as quickly as possible because delay will injure or rather damage the crop and the grains will fall off from the stalks. During these two times—harvesting and transplantation—a large number of tribal people, namely the Santals migrate to the villages of Bengal and the paddy growers avail themselves of this opportunity and take the services of these Santals, who come in batches of 20, 30 or 40's and finish their job as quickly as possible. The conditions of applicability of the provisions of this Bill satisfy each and every one of these paddy growers of Bengal who have got at least ten acres of land. Now, if a cultivator who has got only ten acres of land is required by law to fulfil all the provisions of this Bill, I am afraid it becomes simply an impossible proposition.

Clause 8 of the Bill provides for adequate arrangement of drinking water. It enjoins the employer to provide and maintain at convenient places in the plantation a sufficient supply of drinking water for workers. I do not know what this "providing and maintaining at convenient places the plantation" means. Does it mean that every field should have a drinking water pipe connection or every field will... (Interruption). Plantation area is not a small area like a factory area. The time honoured arrangement for drinking water for labourers in the field, has been a brass or earthen pitcher carried by the labourers themselves without any expenditure either on the part of the employer or the employees. I cannot imagine what more arrangements for drinking water for the workers in the field can be arranged.

Clause 9 provides for latrines and urinals. It says that the latrines and urinals will be so situated as to be convenient and accessible to workers. Latrines and urinals are indispensable so far as factories are concerned but in agricultural fields how can they be constructed, what useful purpose they will serve and if constructed at all, whether they are to be used by the workers or not, surpasses my comprehension. It is said that India lives in villages. I do not know how many villages in this country has got.... (Interruption).

Clause 10 provides for medical facilities. It says:

"In every plantation there shall be provided and maintained so as to be readily available during all

working hours such medical facilities for the workers as may be prescribed by the State Government."

If by medical facilities, it means a first aid box, then I have got nothing to say but if it means that a qualified medical man should remain always ready during the whole period of work, then I submit that it becomes an impossible proposition.

Shri Sidhva (Madhya Pradesh): Why?

Dr. M. M. Das: A man having ten acres of land and employing 20 labourers is he going to employ a qualified medical man from six in the morning to seven in the evening?

Shri Sidhva: Mention the number of workers.

Dr. M. M. Das: Clause 13 provides for recreational facilities. I have nothing to say about the big gardens. They have made this law applicable even to the farmer whose capacity is very small. This clause requires every employer to make provision in his plantation for such recreational facilities for the workers and the children employed there in as may be prescribed. I beg to remind the House that this word 'employer' also means a man having ten acres of land only and who has employed only once in a year 20 heads of persons as workers in the field.

Sir, a few words about the tea garden labour of our country and I have done. The tea garden labourers in this country get food and clothing at a very subsidized rate. They get their rations at the price of Rs. 5 a maund, pulses at a similar rate and mustard oil which ordinarily sells in the market Rs. 2½ a seer, they get it at 6 annas a seer. They also get clothes and umbrellas at a subsidized rate. Their average daily earning is from Rs. 2 to Rs. 2-8-0. The main problem with these people lies in extravagant habits, in their drinking habits and their being absent from their works most of the days in a week. Whenever they get their wages, they go straightaway to liquor shops, drink to their hearts' content and absent themselves from their work for three or four days. 50 per cent. absent from work is quite common and natural in these tea gardens. The average number of working days in a tea garden so far as individual labourer is concerned at the maximum, comes to four days a week only. I think what is needed for the upliftment of these labourers is not all the stringent provisions of this

[Dr. M. M. Das]

Bill—many of whom are quite necessary, I admit that—but what is more necessary is some kind of social service which will educate these people, which will teach them to give up their extravagant habits and live more frugally.

In concluding my remarks, I beg to submit that if this Bill as has been introduced in this House is passed into an Act, will cause great difficulties and hardships to new and small concerns who are so to say, struggling for their existence today. I hope, Sir, that this Bill will undergo a drastic change in the Select Committee before it emerges from that Committee in a more acceptable form. I support the motion.

Shri J. N. Hazarika (Assam): Sir, I welcome this Bill. I think that such a sort of measure should have been brought much earlier by our Government. I completely agree with Shri Khandubhai Desai who said that the condition of the labourer in plantations before independence was much more worse than what it is now. Before independence, Sir, we could not approach the tea gardens in Assam. I had no personal knowledge or contact with the plantations of coffee and rubber etc.

12 Noon

But I have had personal contacts with the tea plantations in Assam. I know the managements of the tea gardens are so strict or so discourteous to the people outside that they do not allow the people to go inside their gardens. If you will permit me, Sir, I would like to give one example. When once I was cycling in front of an office in a tea garden, in my part of the country, the tea garden manager threw stones at me. This was the condition before independence. With the attainment of independence, we must see that the conditions of our labourers improve in all directions. In respect of health, in respect of their education and other facilities, we must do something as immediately as possible. Till recently, there were no primary schools in the tea garden areas. The local boards in certain districts of Assam were good enough to provide primary schools in certain tea gardens; but this process is not yet complete. In many tea gardens, there are no schools.

Shri Jagjivan Ram: You can say all this in the Select Committee.

Shri J. N. Hazarika: From the point of view of their health, there are many tea gardens in which there are no hospitals. But, still the licensing authorities are giving licences to these

people to manufacture tea, etc. As the Bill provides for various amenities to the labour community, I recommend that the Bill should be taken up as early as possible and passed for the benefit of the labour classes.

The labour population of Assam is not an indigenous one. They have been imported from other States like Madhya Pradesh, Bihar and some other States. Their condition is hopeless; I have personally seen their condition. Their housing condition is very bad. They have been made to live in houses which are not fit for human beings living in some gardens: I do not say, in all. In many respects, they are in a condition of slavery. I welcome the provisions of the Bill and I request the House to pass this measure as early as possible before it is too late so that we can do some good to this poor lot, which they deserve from a National Government like ours.

Mr. Deputy-Speaker: Mr. Poonacha.

An Hon. Member: He is a member of the Select Committee.

Mr. Deputy-Speaker: I shall first give opportunity to hon. Members who are not members of the Select Committee. **Mr. Damodara Menon:** He comes from Travancore. I will call Mr. Guha next. Later on, I will give an opportunity to Mr. Poonacha also.

Shri Sidhva: Non-members, first, Sir, I am not a Member of the Select Committee.

Mr. Deputy-Speaker: Yes.

Shri Damodara Menon (Travancore-Cochin): As you said, Sir, I come from a part of the country in which there are many plantations, I mean from Travancore-Cochin and Malabar.

Mr. Khandubhai Desai said that before independence, the condition of labourers in these plantations was very bad. I must say that even after independence, their condition has not improved to any appreciable extent. It is true that we can occasionally go and meet some of them. But, even today, it is very difficult for any public worker to go and contact these labourers and enquire into their grievances. The plantations are considered as the preserves of the owners and also of the capitalists, most of them foreigners. They are very suspicious of any interference in the living conditions of these labourers. I have had occasion to visit some of these plantations. In many of them there are beautiful bungalows for the managers and other staff to live in:

especially for the owners of these plantations. But, if you turn to the places where the labourers are living, you will see that they are not worth living in at all. They are miserable hovels. In an one-room tenement, you find very often two or three families crowded together and as everybody knows, these places are highly malarial and the labourers and their children especially, suffer from malaria. Their condition is so miserable that one thinks that they are living in hell. I am glad therefore that the hon. Labour Minister has thought that a Bill of this nature is necessary.

Now, the provisions of the Bill, I am sorry to say, do not go far enough; but even in its limited sphere, it is good. My previous speaker Dr. M. M. Das said that he was afraid that it may be made applicable to small paddy fields. I do not think that this Bill is meant to apply to paddy fields at all. There is also the question whether it should be made applicable to small holdings of ten acres. Especially in some places, a ten acre plantation is not an economic holding. That provision may be amended suitably. It is necessary to amend the definition clause so as to make it include pepper gardens, cardamom and other things also. There is no necessity to be exhaustive in our enumeration. But, I am sure nobody will apply the provisions of this Bill to paddy fields.

He also said about drinking water supply. I do not think that anybody who has gone to these estates, especially the coffee and tea estates will doubt the necessity of having pure water supplied to the labourers, as also the necessity for medical aid. These are times when plantation products get a good yield and also bring considerable profits to the owners, and as my friend here suggests, they also earn a lot of dollars. What I am at is this. These plantations are mostly exempt from Income-tax.

Shri Poonacha (Coorg): They pay.

Shri Damodara Menon: Agricultural taxes, they are paying.

Shri Poonacha: They pay Income-tax, except probably in Madras and Mysore.

Shri Damodara Menon: I am speaking of Madras. They are now contemplating the increase of land tax; but no agricultural Income-tax is being imposed now. Therefore, they are making a lot of profit; especially tea, coffee or rubber—rubber probably not, as I have reason to point out here—and pepper—Travancore produces all these things—are bringing a lot of

profit to the owners. I am sure they must be prepared to part with a certain portion, a considerable portion of their profits for the benefit of the labourers. Therefore, I welcome the provisions of the Bill. I would only suggest to the Select Committee that they should make the provisions a little more liberal. The condition of living of these workers must be made more attractive.

I have only one point more: that is about leave. The Bill suggests that for every 30 working days, the labourer may be given one day's leave with pay. I would request the hon. Labour Minister to make it a little more liberal so that the labourer may get at least 15 days' leave with pay every year. With these words, Sir, I support the motion.

Mr. Deputy-Speaker: Shri A. C. Guha. After him I shall call other Members who are not on the Select Committee.

Shri A. C. Guha (West Bengal): Sir, I wholeheartedly welcome this Bill and would even say that it is a rather belated piece of legislation. This piece of legislation reminds us of the horrors that we have been hearing from our young days—the first decade of this century—about the miserable lives led by the coolies of tea gardens. And because of this there was a regular propaganda which we took up against the drinking of tea. It became part of our creed that we should not drink tea as that would be helping the process of sucking of the blood of the tea garden coolies and the ravishing of the chastity of the cooly women. That simple fact will give this House an idea how these coolies were living there, if that could at all be called 'living', and how they were treated in those tea gardens. These tea gardens were really so many manorial castles and they were prohibited areas. The public would have no entry into these gardens and the tea garden managers were the lords of these creatures, who were once called human-beings. These tea garden coolies did not belong to the locality, but were brought from far off places—mostly from Chota Nagpur and other places. There were contractors who brought the labourers and they enticed them with bright prospects and then took them to unknown destinations. During the Non-cooperation days, as some of us may remember, there was a big exodus of tea garden workers and that upset the entire transport systems of the Bengal-Assam Railway lines and the Steamer services because the workers in these concerns also struck work in sympathy with the tea garden coolies. The tea garden

coolies wanted to come away from the gardens and the authorities there, with the help of the Government were putting in their way all sorts of difficulties and obstacles. There were shooting and lathi-charging of the coolies and in sympathy, the staff of the Bengal Assam Railway and the Steamer Companies all went on strike.

[SHRIMATI DURGABAI in the Chair]

We should remember that tea is one of our best foreign exchange earners. India supplies about 40 per cent. of the world's tea requirement. This industry in India has been built up by British entrepreneurs. In the first part of the nineteenth century tea was first discovered in Assam. The Britishers started the industry; and even now about 80 per cent. of the tea gardens of Assam are owned by foreign capitalists. Most of these tea gardens have their head offices in Calcutta and about ten or twelve agency houses manage and control most of these Assam and Bengal tea gardens. Well, even after the attainment of independence by our country, I have had occasion to go into these parts and get some idea about the present condition in which these labourers are living and working. I have to state that even now these conditions, especially the residential accommodation of these labourers is very unsatisfactory. Even now, though the former idea of seclusion is no more there, and public workers and political workers are allowed to go there, still the condition of these labourers is far from satisfactory. In fact they are miserable. Therefore, I whole-heartedly welcome this Bill.

I would, however, like to draw the attention of the hon. Minister in charge of the Bill to certain provisions of his Bill. He stated that in the first instance, he would like to apply it to rubber, coffee, cinchona and leave it to the State Governments to bring other classes of plantations under the Bill if they choose. I would like him to specify what are these other classes of plantations to which he has referred. An attempt has to be made to draw a line of distinction between agricultural farming and plantation. It will be rather hard to apply the provisions of the Bill to a plot of land of ten acres and engaging even 20 people. It has been stated in the Statement of Objects and Reasons that it would be difficult to fit in plantation labour in the general framework of the Industrial Labour Legislation without creating serious anomalies. I agree

with this statement. But I feel that in drafting this present Bill they have copied so much from the Factories Act and other Labour Legislations. That point, I hope, will be looked into by the Select Committee and suitable modifications made in the various provisions.

Then as regards creches, there is a provision that where "more than one hundred women workers are employed or were employed on any day of the preceding twelve months, there shall be provided and maintained by the employer suitable rooms for the use of children." I feel that there should be some relaxation of this provision because it may be that on one particular day in the preceding twelve months there were more than 100 women employed, but not on other days. On other days there were probably only less women. As in the Factories Act, it should be taken as applying to concerns where generally a number of 50 women are employed. Generally the number should be large and in that case this provision should be made to apply.

Also in the Factories Act, the district magistrate is an *ex-officio* inspector. He has the powers of inspection. So also in this case, as the plantation gardens are not very much scattered, the district magistrate should be given the powers of an inspector so that Government need not spend more money in employing other inspectors.

The explanation No. 2 under clause 18 reads :

"Nothing contained in this section shall apply to any worker whose total period of employment including any day spent on leave is less than six days."

I do not understand these six days in what period; I think within a week. Nothing has been stated here.

I appreciate one thing. It has been the habit of Government to ask the House to pass legislations and hand over all the powers to local Governments, local authorities or their officers. Here I am glad that the Central Government has kept at least some powers to itself. While framing the rules the State Government has to obtain the approval of the Central Government and the Central Government may give directions to the State Governments. Even then I would like that in rule-making initiative should not be absolutely given over to the State Governments. The rules should have to be uniform and so the Central

Government may make the rules after consulting the State Governments, instead of as provided here that the State Government shall make the rules and seek the approval of the Central Government.

With regard to the clause for the provision of educational facilities, I agree that there should be such provisions as most of the gardens are situated in such areas as have no educational facilities. Most of the gardens in Bengal pay an educational cess, which is not a negligible sum. In addition to paying that cess these gardens should not be made to bear any additional expense. The State Governments may be asked to open primary schools, etc. within the gardens with the money collected as educational cess.

As I have said before even now in Bengal and Assam 80 per cent. of the gardens are controlled by Europeans. Now there is a shift which is being noticed for sometime and Indian enterprise has been taking to tea plantation. Most of these gardens are small and they have not much capital behind them. Whereas the European gardens are about 800 acres on an average, the Indian gardens are about 100 acres only. So while imposing conditions the Government should see that the new Indian enterprise, which is taking to tea plantation and replacing the European capital, is not made to suffer or is put to any undue hardship.

Shri Sidhva: Madam, there is no quorum.

Mr. Chairman: There seems to be no quorum and I do not want to proceed with the business without a quorum. I will ring the bell. Now there is a quorum and the hon. Member may proceed.

Shri A. C. Guha: I was saying that the tea industry was a monopoly of the Europeans and now some Indians are entering into the field. I do not want that the conditions imposed should be too hard on them lest the Indian enterprise should be nipped in the bud by the provisions of the Bill. The Select Committee should make provision for smaller gardens.

Before I resume my seat I would remind the House that in the Assam tea gardens alone the total number of workers would be over ten lakhs. It was twelve lakhs previously and some of them have gone over to Pakistan. Even now the tea garden labour in Assam would be ten lakhs. In Bengal and Tripura it would be about one and

a half to two lakhs. In other parts i.e., in the south their number would be two to three lakhs. With regard to coffee the labour employed would be one and a half lakhs and in rubber it would be 50,000. In cinchona the number will be very small, perhaps about 5,000 in Darjeeling. Thus about fifteen lakh workers are engaged, whose lot is to be ameliorated by this Bill. One important feature of this labour is that it contains a much larger proportion of women workers than in other labour. Probably their number would be about 50 per cent. of the total labour. That also should be taken into consideration. Also children constitute twelve to thirteen per cent. of the total labour. So they should all have the modern amenities of an organised industry.

With these words I support the Bill and I hope the Select Committee will make suitable modifications in the Bill to meet the requirements I have mentioned.

Shri Poonacha rose—

Mr. Chairman: I would like to say that as far as possible those who are members of the Select Committee should refrain from taking part. In the case of every Bill if we were to relax the rule the House cannot go on with the work expeditiously. So I do not want to make any exception now.

Shri Jagjivan Ram: They will have their say in the Select Committee.

Mr. Chairman: Are there any special considerations why the hon. Member Shri Poonacha, who is a member of the Select Committee, wants to speak?

Shri Poonacha: I have something fundamental to say about the Bill. In spite of the fact that I am a member of the Select Committee I might be given a chance to say something about the Bill in general before the motion for reference to Select Committee is accepted by the House.

Shri Harihar Nath Shastri (Uttar Pradesh): In that case I would also like to speak.

Mr. Chairman: Whatever the hon. Member may have to say he can successfully plead before the Select Committee. The Bill will ultimately come before the House when he will have further opportunities to speak. If I now make a relaxation in the case of one Member naturally other Members would also like to speak, who may be members of the Select Committee

Shri Jajoo (Madhya Bharat): I beg to move:

"That the question be now put."

Shri Peonacha: On a point of order, may I ask whether after a motion for reference to Select Committee is accepted by the House and the principles underlying the Bill are accepted, it would be open to any member even in the Select Committee to oppose the very basis that underlies the Bill?

Mr. Chairman: I want to know whether the hon. Member has given notice of any amendment opposing the motion for reference to Select Committee.

Shri Peonacha: The absence of that need not mean that I should be precluded from making my observations at this stage. Merely because one has not given notice of an amendment he does not lose his right to speak.

Mr. Chairman: The hon. Member's point is that he wants to oppose the motion for reference to the Select Committee but even in that matter it is open to him to lay it before the Select Committee.

Now I will put the motion for closure.

Shri Sidhva: Madam, you have to use your discretion as to whether there has been sufficient discussion. If you, first of all, are satisfied on that then you have to ask the House. Are you satisfied that there has been sufficient discussion? We do not want to prolong discussion on this Bill—we want to send it to the Select Committee today—but I would submit that as we have at our disposal another three quarters of an hour and as the hon. Minister would not take more than five minutes to reply, we may have discussion for another half an hour.

Mr. Chairman: I am perfectly satisfied of one position, that this Bill is very important; not only the Members of Parliament but many people outside Parliament are eagerly looking forward to the passing of this Bill. Therefore, the sooner we adopt this motion for reference to Select Committee, the better.

Shri Sidhva: Members who are not in the Select Committee are certainly supposed to make certain suggestions for the consideration of the Select Committee. You, Madam, rightly said that it is a very important Bill. Under these circumstances, it is only fair that Members who know something about it

should be allowed to make suggestions for the consideration of the Select Committee. Otherwise their views go by default; after the Select Committee report comes it is very difficult to get any amendment perused. When the Bill is very important it is only fair that the House should be given an opportunity to discuss it.

Mr. Chairman: If it is the case of only Mr. Sidhva I would certainly consider it, but if it is an exception and other Members would also like to speak then I will have to put the motion to the House.

Shri B. K. P. Sinha (Bihar): We are so eager to hear Mr. Sidhva.

Mr. Chairman: I would like Mr. Sidhva to speak for two considerations: because he takes interest in this and also because he will make useful points. However, I am now bound by the motion.

Shri Harihar Nath Shastri: May I suggest that he may be put in the Select Committee?

Shri Sidhva: No, no.

Mr. Chairman: I would certainly be willing to accept an amendment by the hon. Minister.

Shri Jagjivan Ram: I will certainly propose that the name of Mr. Sidhva may also be included.

Mr. Chairman: The question is:

"That the question be now put."

The motion was adopted.

Shri Jagjivan Ram: Madam, I do not propose to take much time of the House. I must thank hon. Members who have welcomed this piece of legislation from every side of the House. I would like to say something about one or two points which have been raised by my friend, Dr. Mono Mohon Das. I am afraid he is labouring under an unjustifiable sense of misapprehension, and that is that he is afraid perhaps that the Government of West Bengal will be so progressive as to extend these measures to paddy cultivation. I wish the State Governments were so progressive. Even if it is extended one need not argue a case to a point of absurdity. No one in this country would think of providing urinals and latrines in our paddy fields. Nobody will insist that a paddy field of ten acres should provide a drinking water well and a tap—I think he must either be a fool or a lunatic. Nobody will be foolish enough to ask that a paddy field of ten acres should provide grounds for recreation on them. Any-

body with even a slight knowledge of the conditions in our villages knows that no special fields and playgrounds have to be provided. Labourers know how to play *Kabaddi*, *cheeka* and other indigenous games. I am afraid Dr. Das has no experience of our village life.

Dr. M. M. Das : Most respectfully I beg to inform the House that I have been born and brought up in a village.

Shri Khandubhai Desai : Sometimes you forget the past.

Dr. M. M. Das : I have not forgotten.

Shri Jagjivan Ram : I am glad to hear that. He might have played these games on our village grounds and if one can conceive of providing these amenities to the village labourers one will not grudge to find some extra grounds for them. One need not labour under any misapprehension. Even if the provisions of this Bill are extended to paddy cultivation and agriculture, these amenities will not be insisted upon to a point of absurdity.

One or two points were raised by my friend Shri Khandubhai Desai and others. They complained that opportunities of contact with plantation labour are rather difficult for trade union and other public workers. My friend Shri Guha quoted examples which perhaps occurred long long years ago. He is not perhaps aware that there is an Act to which I referred in my opening speech: The Tea District Emigrant Labour Act. By that Act, we control and regulate the recruitment and other conditions of emigrant labour who migrate to the tea districts of Assam from C.P., Orissa, Bihar and U.P. The number of emigrant labour every year has been progressively decreasing and today we have a more or less stable labour force in the tea gardens who have settled down there as settlers in those States.

As soon as I took charge of this responsibility in 1946, the first thing I did was to visit the plantations in Madras. I had some idea of the conditions of labour in plantations which I had read in books, but I never thought that the condition of plantation labour was so awful. When I saw their condition, I decided that something will have to be done and though this Bill is being taken up in this Session I am glad to inform the House that even without any piece of legislation I could succeed in getting some amenities and increase in the wages of plantation workers throughout the country by mutual negotiation with the employers. I must take this opportunity to congratulate the employers, especially

Europeans, who were very cooperative and responsive to persuasions and negotiations and who readily agreed to an increase in the wages of their workers and also to the provision of certain amenities and facilities which perhaps we would not have been able to do even if there had been some legislation. In some of the tea estates medical facilities are really very good; in some the housing conditions are really praiseworthy; but it is an unfortunate feature no doubt—the worst condition is in the estates owned by some Indian employers. It has been urged by some Members that special consideration should be shown to small employers and we should see that they are not eliminated. My attitude in all these respects has been quite clear and consistent. I have always held that an industry which primarily wants to exist on the exploitation of the workers employed in it should not find a place in the picture of the economy of the country. We should certainly encourage our industries. But at the same time we must see that while we give all possible protection to that industry, we do not allow free and unrestricted exploitation of the workers engaged in that industry. There are certain minimum standards which every industry will have to provide and if an industry or establishment finds that it is not possible to run that unit economically by providing the minimum standards of amenities and wages to the workers, it is better that that unit goes out of the picture.

One catch-word which always has been used by the employers was also used by my hon. friend Dr. M. M. Das: that is that the workers have got extravagant habits, they indulge in drinking, they squander away the little earnings that they get and that they indulge in absenteeism. This is a very popular commonplace catch-phrase used by the employers. I am sorry it has been used by my hon. friend Dr. Das.

Dr. M. M. Das : It is true.

Shri Jagjivan Ram : I know it is true. But at the same time we shall have to analyse why the worker should indulge in the drinking habit. Is it not because he wants to drown his misery? Is it not that his wages are so low that he is not able to have any recreation or diversion? Has anybody thought over it from that angle?

Shri Poonacha : May I ask one question. Is it not a fact that people who have all these amenities and recreation, and a good life, also indulge in drinking? What is the psychology there?

Shri Jagjivan Ram : That is luxury. I have nothing to worry about those persons, driving in their motor cars, going to cinema houses and then to the liquor shops. I am not pleading their case. I am pleading the case of those workers who, after a day of hard work, go to their hovels from the factory and the field—hovels into the atmosphere of which none of us would dare to enter. The real difficulty is that today our appreciation of the labour problem is simply an intellectual one. We come from a class which is quite separate from the labouring classes and our sympathy is intellectual sympathy. We do not try to appreciate or analyse as to what are the causes, what are the factors which force them to indulge in those bad habits. I will be the last man in the world to defend drinking habit. I have been trying my utmost to inculcate a habit of thrift and temperance in the workers. I have been insisting upon the State Governments concerned to introduce prohibition in those areas. But I know at the same time that prohibition by itself will not do, unless we provide some facilities for their recreation as has been done by some of the State Governments. In Bombay they have provided such facilities and thus have to a certain extent been able to divert the workers to the recreation fields from the liquor shops. So you cannot simply blame the worker.

Perhaps, my hon. friend Dr. M. M. Das is not aware that the total monthly earning of plantation labour today comes to something between Rs. 30 to 40. Perhaps it is news to him.

Dr. M. M. Das : That is due to absenteeism.

Shri Jagjivan Ram : And the blame is that there is absenteeism.

Shri Khandubhai Desai : Forced absenteeism.

Shri Jagjivan Ram : I wish he would analyse the figures of absenteeism. This is another catch-phrase used by employers. I will invite the attention of my friend to the *Indian Labour Gazette* which gives all these figures. If he will analyse them he will find that the information that he has got about increasing absenteeism is also not justified.

I do not propose to go into the details how workers in certain industries or even in the tea industry have at times to remain idle in spite of their best wishes to work. There is involuntary unemployment. It has been suggested to have social services

among them. I welcome the suggestion and I may inform the House that this year we are going to introduce some sort of social services. We have been able to receive about a few lakhs of rupees from the Indian Tea Cess and we have allotted this sum to the different States according to the population of the plantation labour in those States. With that amount we are going to introduce certain measures of social welfare activity. But that is not enough. We will require that that activity is supplemented by the efforts, co-operation and services of friends like Dr. M. M. Das, and I am sure he will lend his support, not only oral but active, at least in the plantations in his own State.

I do not claim that this piece of legislation is a very progressive one, but it is something. Where there is nothing today we are thinking of regulating the conditions of workers in the plantations and we want to provide certain minimum amenities for them. It will no doubt be a step forward. It is just possible that in course of time we may be in a position to have the same kind of legislation for regulating the conditions of work in plantations as we have for industrial workers. But today that is not the stage. We have to make a beginning, and what this Bill seeks to do is to make a beginning in that direction.

Certain suggestions have been made regarding the unit of plantation, that ten acres is too small an area, that the fixation of the number of employees at twenty will be too hard on certain employers. There is another side to the picture which one should not ignore. There are employers and employers. There are good employers, ideal employers. I have all praise for them. There are unscrupulous employers who always try to take advantage of any loophole in the Bill, and if my friend Mr. Guha will think of this question from that angle he will realize that all possible safeguards will have to be taken so that unscrupulous employers may not get out of the scope of this Bill due to those loopholes.

Shri A. C. Guha : I did not suggest anything, that they should be allowed to split up their establishment and escape the law.

Shri Jagjivan Ram : The Select Committee will take all these suggestions into consideration. I do not want to pronounce any opinion on them. I have only hinted that we have to take into consideration that there are employers and employers. For good employers perhaps we do not require any piece of legislation. I can say that

today even in the plantation industry there are employers who are doing much more than what we are going to provide in this Bill. This is not really meant for that type of employer. This is meant for those types of employers who even after all possible persuasion, negotiations, cajoling etc. do not see that it is also their responsibility to do something for their workers.

Shri B. K. P. Sinha : On a point of information. Will this law also apply to the case of sugarcane plantations?

Shri Jagjivan Ram : If my hon. friend will look into the Bill, he will find that the plantations to which this Bill will apply in the first instance have been enlisted there. Power has been given to the State Governments to extend its scope to other plantations and if any State Government thinks that there are plantations other than those provided in the Bill where this Act should also be extended, it is open to them to extend it.

Shri A. C. Guha : What will be the line of demarcation between ordinary farming and plantations?

Shri Jagjivan Ram : That is obvious; that is a common sense thing and we need not go into much detail to clarify hypothetical presumptions. It has been suggested that there should be uniformity in the rules to be framed by the State Governments. I can assure the House that I will see that a model rule is drafted by the Central Government to be adopted by the State Governments, so that we can have as much uniformity in the rule as possible. With these words, I commend my motion.

Mr. Chairman : The question is :

"That the Bill to provide for the welfare of labour and to regulate the conditions of work, in plantations, be referred to a Select Committee consisting of Dr. Panjabrao Shamrao Deshmukh, Shrimati Renuka Ray, Shri R. Venkataraman, Shri Kshudiram Mahata, Shri N. Alexander, Shri Maheswar Naik, Shri J. N. Hazarika, Shri B. Shiva Rao, Shri Satis Chandra Samanta, Shri Upendranath Barman, Shri Ari Bahadur Gurung, Shri Harihar Nath Shastri, Shri Bijoy Kumar Pani, Shri Kishorimohan Tripathi, Shri A. K. Menon, Shri Dev Kanta Boroah, Prof. N. G. Ranga, Shri Jaipal Singh, Shaikh Mohiuddin, Shri C. M. Poonacha, Shri M. V. Rama Rao, Shri V. S. Sivaprakasam, Shri R. K. Sidhva and the Mover, with instructions to report by Saturday, the 29th September, 1951."

The motion was adopted.

INDIAN STANDARDS INSTITUTION (CERTIFICATION MARKS) BILL

The Deputy Minister of Commerce and Industry (Shri Karmarkar) : I beg to move that the Bill to provide for the standardisation and marking of goods, be taken into consideration.

Mr. Chairman : Before the hon. Minister makes the speech, I would like to know about this. There seems to be an amendment by Mr. Guha for reference of this Bill to the Select Committee. I would like to know whether the hon. Minister is accepting that.

Shri Karmarkar : We are accepting that amendment. Perhaps it may be relevant if the hon. Member moves his amendment.

Mr. Chairman : He may straightway move that amendment also.

An Hon. Member : Let the Minister go on.

Shri Karmarkar : This Bill as the House well knows has been previously published in the Gazette on the 3rd February, 1951 together with a statement of Objects and Reasons and it was introduced in Parliament on 5th March, 1951.

As stated in the Objects and Reasons standard marks or certification marks are a convenient measure to secure standardization of commodities in the interest of both producer and consumer according to the quality specified in recognized standards. As many Members must be knowing in many progressive countries such as the U. K., France, Germany, Japan and elsewhere these standards have been in vogue for some time past and are at present being widely adopted. The matter is however so important and of such national and international interest that the International Organization for Standardization known otherwise as I.S.O., of which the I.S.I. has been a Member of the Council from its very inception, has recently organized a Special Committee to deal with the co-ordination of Certification Marks practices prevailing or proposed to be adopted in several countries. While on the one hand, the Indian Standards Institution is an active member of this I.S.O. Committee, it has prepared already, on the other hand, a scheme for Certification Marking in India in consultation with Industry in the country, the Government departments concerned and the State Governments. The present Bill aims at conferring certain powers on the Government and on the Institution, powers which are necessary for the implementation of this scheme. During

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the stages of formulation of the scheme incorporated in the Bill. Industry has, without exception, I am happy to say, welcomed the principle of this Bill.

We may recall that the Indian Standards Institution which is a registered body, financed and managed jointly by the Government and industry, was originally created under a Resolution of the Government of India dated 3rd September, 1946. It started functioning about the middle of 1947 and has by now issued nearly 250 standards covering important industrial products entering both the domestic as well as overseas markets. In addition there are a fairly large number of subjects under consideration, standards on which will be appearing from time to time.

The Indian standards issued by the Institution are prepared according to well defined procedure which requires consultation on a wide basis between producers, consumers, trade interests and technologists. Though the standards issued by the Institution are purely voluntary measures, there is considerable evidence to show that they are being widely adopted both by industry and the Government for the purpose of production and exchange of goods. In addition to the preparation and adoption of standards in national and international basis aimed at promoting quality control and simplification in the industry, the objects of the Institution include adoption of standardisation marks applicable to products, commodities and processes in respect of which national standards have been issued.

I should also add that as a natural consequence of the work which has been done already by the Indian Standards Institution and in fulfilment of one of its most important objects, this Bill is now introduced so that a properly organised Certification Mark Scheme may be put into operation. It must, however, be emphasised that the contents of the Bill now before the House in no way make the application of Certification Marks an obligatory measure. It merely provides facilities for such producers as are willing to adopt the Indian Standard Certification Mark to guarantee that their products are according to national standards of the I.S.I. and thus convey an assurance to their purchasers as regards their quality. In order, however, to protect such an important device from mis-use and to guarantee its integrity, it is necessary that the Government as well as the Indian Standards Institution should have the powers envisaged in the Bill.

The Certification Mark Scheme to which the present Bill relates represents the first step in the direction of general adoption of standards in the country on a widespread basis with a view to improving quality of products manufactured in India. Though certain sections of the industry would like to see a measure like this being made obligatory for adoption by all producers, yet it cannot be denied that the level of quality production has to be considerably improved before obligatory measures, even if they were held desirable, could become practicable. A voluntary measure like this would, however, not only help to improve gradually the general quality level of production but also provide a definite incentive for producers of quality products to maintain a high level of excellence with the assurance that by doing so they would derive consequential benefits from the use of Certification Marks backed by the authority of a national standardizing body. Furthermore, it would help the growth of confidence on the part of purchasers in the quality of Indian products which is of prime importance for a healthy and sound development of Industry of the country.

1 P.M.

Certain progressive States in India have been considering similar schemes to assist local industries. The Uttar Pradesh Government for instance has adopted a Quality Marking Scheme, with a view to promoting cottage industries relating to handloom fabrics, textile prints, padlocks, leather, etc. The Madras Government has also had under consideration measures concerning standardization and marking of handloom cloth as also for the prevention of adulteration of goods and commodities in general. Such schemes are indicative of the desire of the State Governments to raise the quality of production and promote confidence in indigenous products. Standardization of goods entering inter-State commerce being the responsibility of the Centre under the Indian Constitution, it is necessary that legislation in the Centre be adopted at an early date so as to avoid any possible duplication of effort and provide that degree of coordination which is necessary. On the basis of the Central Legislation proposed in the present Bill, it is hoped that all local schemes would be rationally coordinated and strengthened.

The present Bill takes into consideration and provides for creation of authorized agencies for the application of national Certification Marks on the basis of national standards. The functions of the authorized agencies

envisaged in the Bill will include issuing of licences to individual production units, supervising, subject to the control of the Institution, the application of the Mark, and maintaining a check on the quality of products so marked. These agencies may be organisations working under State Governments or Associations of an All India character of related industries. The intention is that if an Association or a State organisation happens to satisfy the basic requirements, adequate powers should be delegated to them so as to enable them to exercise that degree of autonomy, which is necessary in healthy competition, and for the realisation of the ultimate objects of the Bill.

I do not propose to take up more time of the House in elaborating on the detailed provisions of this Bill. It is a very simple Bill and therefore, I move the motion standing in my name, subject to the statement that Government are prepared to accept the amendment which I understand my hon. friend Shri Guha is about to move for referring the measure to a Select Committee. A number of amendments have been tabled to this Bill. And also from some considerations which Government will make will result in amendments being moved by themselves to the Bill and all these could be properly thrashed out in the Select Committee and the Bill brought back to the House with a fair measure of agreement. I would only suggest one small change in the proposed amendment and that is to say that the Select Committee may be instructed to report to the House by the 1st of October, 1951.

Mr. Chairman : Before I put the motion, I would request Shri Guha to move his amendment.

Shri A. C. Guha (West Bengal) : I support the Bill, but I beg to move the following amendment :

"That the Bill be referred to a Select Committee consisting of Shri Prabhu Dayal Himatsingka, Shri Banarsi Prasad Jhunjhunwala, Prof. K. T. Shah, Dr. Panjabrao Shamrao Deshmukh, Shri Sohan Lal, Dr. Bakhshi Tek Chand, Shri Radhelal Vyas, Shri Braja Kishore Prasad Sinha, Dr. C. D. Pande, Shri Maheswar Naik, Shri B. L. Sondhi, Pandit Munishwardatt Upadhyay, Dr. Mono Mohon Das, Shri Nar Deo Snatak, Shri O.V. Alagesan, Shri Tribhuvan Narayan Singh, Shri J. N. Hazarika, Shri Harihar Nath Shastri, Shri P. K. Lakshmanan, Shri R. K. Sidhva, Shri S. R. Naidu, Shri Syamnandan
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Sahaya, Shri D. P. Karmarkar, the hon. Shri Harekrushna Mahtab and the Mover, with instructions to report on the 1st October, 1951."

As has been rightly pointed out by the hon. Minister, standardisation is a very important subject and it is essential for the improvement of our national industries. This is particularly so when we have become practically an exporting country, exporting not only raw materials but also industrial products. I can say that for some time there has been going on some trouble about the supply of our tea to foreign countries. The receiving countries complained that the tea got spoilt by the time it reached the destination and this was found to be due to the bad packing.

Shri Sidhva (Madhya Pradesh) : The same is the case with other articles too, for instance cloth.

Shri A. C. Guha : Well, these tea chests have now been standardised and some of the exporting firms have accepted this standard for the chests and since then the complaints have decreased considerably. But I regret to say that this voluntary measure has not been working quite properly. It is not always that all those engaged in the industry or in the export trade have taken to the standards set by the Indian Standards Institution. It is a sad experience of ours that most Indian goods, either manufactured or half manufactured do not come up to the standard required. Even though we are pledged to the cult of *swadeshi*, we often go in for foreign articles, because the Indian products do not come up to standard. The other day I mentioned about razors. During the war there was no import from outside and people were doing with Indian razors. Now since they are not up to standard, people have been started using foreign razors and a large quantity is imported from abroad. Take the case of the fountain pen ink, quite a lot of which is now-a-days being imported. During the war when there was no import people were using Indian ink. Now we take it for granted that Indian products are not quite as good as the foreign ones, without even testing the Indian products. If there is standardisation and strict enforcement it would ensure quality and would help the Indian industry as also our export trade.

I saw from the papers that the Communications Ministry of U.S.A. are having difficulties with the supply of essential materials such as mica by reason of the failure of the suppliers

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in India to maintain any standard with regard to their products. Mica is an important article of export and if the U.S.A. users find that our articles are not up to standard they will certainly take to some other substitutes, and we would lose the foreign market.

I come from the eastern side of India; several of our exportable articles such as tea, mica, shellac and jute come from that part of India. As such I am very much interested in keeping up our export trade and I want that our exportable articles should conform to a minimum standard so that the foreign consumers may be satisfied with our products and may not go in for substitutes.

The industrialists have tried to make a case that standardisation would mean strangulation. That is not true. Standardisation means more efficiency, more leisure for the workers and better quality for the consumers. It would help in the production also and ultimately it would be beneficial to the economy of the country.

I put a question the other day about standardisation of structural steel and I was told that simply by that standardisation the saving in the quantity of steel would amount to worth rupees two crores annually. If standardisation of one single item of steel production means a saving of rupees two crores worth of steel, I submit it is a very important factor for consideration. If all our articles are standardised in this way it would mean better service, longer life for the product and ultimate good to the national economy. In the case of the jute industry there are no standards. The Indian Standards Institute should take up standardisation of jute goods. In the case of textiles I am told that there are some standards but that the industry was unwilling or hesitant to accept them. Now I think they have been persuaded to accept the standards set up by the Indian Standards Institution.

I hope the House will accept my amendment. There are certain provisions in the Bill which I feel require to be considerably modified. There are a large number of amendments which may be considered in the Select Committee. However, I would point out one defect in the Bill: there is nothing in it which can enforce any standardisation on our exportable articles. I think it has been left to the option of exporters to accept the standard set up by the Institution. I would very much like that there should be a compulsory

standardisation for all exportable articles. The Indian Standards Institution has been doing very good service and therefore its service may not be allowed simply to be ignored by the industry but should be duly respected and enforced. I hope the House will accept my motion for reference to the Select Committee in order to make the Bill more acceptable and conducive to the interests of industry.

Mr. Chairman: I will now put the motion to the House.

Shri Karmarkar: As I said before, I am prepared to accept it.

Mr. Chairman: The question is:

"That the Bill to be referred to a Select Committee consisting of Shri Prabhu Dayal Himatsingka, Shri Banarsi Prasad Jhunjhunwala, Prof. K. T. Shah, Dr. Panjabrao Shamrao Deshmukh, Shri Sohan Lal, Dr. Bakhshi Tek Chand, Shri Radhelal Vyas, Shri Braja Kishore Prasad Sinha, Dr. C. D. Pande, Shri Maheswar Naik, Shri B. L. Sondhi, Pandit Munishwardatt Upadhyay, Dr. Mono Mohon Das, Shri Nar Deo Snatak, Shri O. V. Alagesan, Shri Tribhuan Narayan Singh, Shri J. N. Hazarika, Shri Harihar Nath Shastri, Shri P. K. Lakshmanan, Shri R. K. Sidhva, Shri S. R. Naidu, Shri Syamnandan Sahaya, Shri D. P. Karmarkar, the hon. Shri Harekrushna Mahtab and the Mover, with instructions to report on the 1st October, 1951."

The motion was adopted.

Mr. Chairman: Now, the Benares Hindu University (Amendment) Bill. The hon. Maulana Abul Kalam Azad.

Shri Syamnandan Sahaya (Bihar): The Minister is not here.

Shri Karmarkar: I should like to make a few brief observations before you go to the next item, Madam. While the period for submission of the Select Committee's report has been fixed at seven days, Government are very anxious to see that the Bill is passed before the House rises.

Shri Sidhva: When is it going to rise?

Shri Karmarkar: I do not know. Whether the House rises on the 6th of October or on some other date, Government are very anxious to see that this Bill is passed before that. Because standardisation of goods is an important subject and if we pass this Bill during this session of the House then.....

Shri Sidhva : The hon. Deputy Minister wants to utilise the remaining two minutes!

Mr. Chairman : I think the hon. Deputy Minister is trying his level best to help his other hon. colleague, Maulana Azad, and I feel that if that is the purpose then the purpose is served.

Shri Karmarkar : Thank you, Madam, I close now.

Shri Sidhva : We want to know when we are going to rise.

Shri A. C. Guha : Another point, Madam. The Chairman of the Select Committee is to be nominated by you—the Deputy-Speaker is not in the Select Committee.

Mr. Chairman : That may be left to the Deputy-Speaker who will in due course decide it.

Shri Sidhva : The hon. Minister stated about this Bill that it should be

passed before we disperse. The main point is this. As a Member of Government we would like to know from him what is the last date. We are all confounded on account of this date not being given to us. If you say that all Bills should be finished before 1st October or 6th October, after all we are human beings and there are so many Bills pending. Government must decide.

Mr. Chairman : It depends upon the Chairman, who is likely to be the hon. Member who spoke just now. Perhaps, it will depend upon him to expedite.

Shri Sidhva : That is not the point, Madam.

Mr. Chairman : No more discussion now. The House stands adjourned till 8-30 A.M. tomorrow.

The House then adjourned till Half Past Eight of the Clock on Wednesday, the 26th September, 1951.