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PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME I, 1952

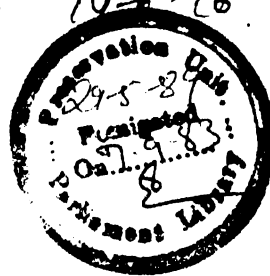
(6th February to 5th March, 1952)

Fifth Session

of

PARLIAMENT OF INDIA

1952



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THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
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PARLIAMENT OF INDIA

Friday, 15th February, 1952

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

[MR. DEPUTY-SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

**MYSORE STATE (EXEMPTION FROM
ARTICLE 371)**

***90. Shri Raj Kanwar:** Will the Minister of States be pleased to state:

(a) whether it is a fact that Government have exempted the Mysore State from the provisions of Article 371 of the Constitution; and

(b) if so, what are the constitutional difficulties in the way of Mysore State being treated on par with the Part 'A' States?

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

(a) Yes.

(b) Mysore is now included in Part B of the First Schedule to the Constitution. It cannot be omitted from that Part and included in Part A of that Schedule, unless the Constitution is amended. So long, however, as the exemption from Article 371, already notified, is in force, Mysore is treated practically on a par with any Part A State so far as general control of its Government and the issue of particular directions thereto by the President are concerned.

Shri Raj Kanwar: Is it a fact, Sir, that for several decades Mysore has enjoyed the reputation of being a constitutionally governed and well-administered state—in some respects better than some of the Part A States?

Shri Gopaldaswami: I am not prepared to commit myself to comparisons. Certainly Mysore has for long 388 PSD.

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enjoyed a reputation for good administration.

Shri Raj Kanwar: Is it a fact that Part B States are inferior to Part A States?

Shri Gopaldaswami: I do not think so.

Shri Amolakh Chand: With a view to give Mysore the legitimate status of a Part A State, do Government propose to amend the Constitution in the near future?

Shri Gopaldaswami: They have no such intention at present.

Shri Kamath: Is it a fact, Sir, that very recently a directive was issued by the President in accordance with the provisions of Article 371 of the Constitution and it was subsequently withdrawn?

Shri Gopaldaswami: That is so.

Shri Kamath: What were the circumstances that led to the withdrawal of the directive?

Shri Gopaldaswami: The Mysore Government, subsequent to the issue of the directive, complied with the wishes or suggestions made by the Centre.

Shri Kamath: Is it a fact, Sir, that at the time the directive was withdrawn a condition was imposed that the complainant in that case, the Chief Justice Poisoning Case, would be transferred outside the State and that condition has not been fulfilled though the directive has been withdrawn?

Shri Gopaldaswami: That is not a correct statement at all. There is no question at all about the transfer of the Chief Justice.

Shri Kamath: Were any conditions imposed at all prior to the withdrawal of the directive?

Shri Gopaldaswami: The directive was for the Mysore Government to

take steps to get the case transferred to the jurisdiction of another High Court.

Shri Kamath: Has that been done?

Shri Gopalaswami: No, Sir. They offered to take an alternative course, namely to import a judge from the jurisdiction of another High Court to try this particular case.

Shri Kamath: Has the judge been imported?

Shri Gopalaswami: He has been imported and he has started the trial.

Shri R. Velayudhan: May I know, Sir, whether any other Part B State other than the Mysore State demanded for treatment on a par with Part A States.

Shri Gopalaswami: Some time ago the State from which my hon. friend comes did ask for such treatment.

Shri R. Velayudhan: May I know, Sir, what is the opinion of the hon. Minister about this particular demand from my State?

Shri Gopalaswami: My opinion is that it has not qualified for any exemption.

Shri Raj Kanwar: Do Government envisage a period in the foreseeable future when the entire distinction between Part A and Part B States is likely to be completely obliterated and the Part B States brought on the same footing as Part A ones?

Shri Gopalaswami: The Constitution has fixed a period of ten years for the operation of this Article 371. When that period of ten years is over, that will be the time for considering whether the provisions of that Article should continue to be in force.

Shri Damodara Menon: Is it not a fact that the States of Travancore-Cochin and Mysore were treated on a par regarding Article 371 of the Constitution and a statement was made on the floor of the House by the late Sardar Patel to that effect?

Shri Gopalaswami: I do not think the statement meant they were placed on a par.—I mean these two States. I believe what Sardar Patel said was that these two States had had a reputation for good administration in the past and they may have to be treated differently from other States.

Shri R. Velayudhan: Is the maladministration of the Congress Government in my State responsible for not treating Travancore-Cochin on a par with Part A States?

Mr. Deputy-Speaker: Order, order.

Shri M. Naik: May I know whether similar conditions as prevail in Mysore do not exist in other Part B States which entitle them to the exemption from the operation of the article 371 of the Constitution?

Shri Gopalaswami: The information with Government is that at present they do not exist in other States.

RICE ALLOTTED TO TRAVANCORE-COCHIN

*92. **Shri Alexander:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether rice allotted to Travancore-Cochin State in the last week of December, 1951 was of poor quality;

(b) whether the Government of India classed the same as 'A' class and demanded price accordingly;

(c) whether the State Government protested and what was the reply given by the Central Government;

(d) the approximate loss the State Government has suffered on that account; and

(e) whether the Central Government have agreed to make good the loss, and if not, why not?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Some quantity of rice-brokens allotted to Travancore-Cochin in the last week of December, 1951 was found to be below standard.

(b) The rice was classified as Brokens and price fixed for Brokens was charged.

(c) Yes. No reply has yet been given to the Travancore-Cochin Government as the matter is under investigation with the exporting country.

(d) The State Government has not communicated any estimate of loss.

(e) The matter is under consideration. Allowance has been claimed from the exporting country.

Shri Alexander: May I know, Sir, whether the distribution of this dust rice was made at the time of the elections and was made a weapon of propaganda against the Congress Government?

Shri K. M. Munshi: It was distributed in December, I know. I cannot answer the second part of the question.

Shri V. Gangaraju: May I know, Sir, from which country this broken rice was imported?

Shri K. M. Munshi: It came from Burma.

Shri R. Velayudhan: Is it a fact that in the course of the Prime Minister's tour of the State, he promised at public meetings that better rice would be allotted to Travancore-Cochin and it has not yet been allotted?

Shri K. M. Munshi: I do not think the implications of either of these questions is correct for this reason that in a large quantity of rice which came from Burma a few bags were found to be of this quality, containing a lot of dirt. On this defect being found, that rice was not put into distribution. We have no choice in the matter. We receive this rice from foreign countries and the consignments go directly to the States. It is only at the ports that they have to examine it and reject what is not usable.

Shri R. Velayudhan: May I know whether the promise given by the Prime Minister was an election promise?

Shri K. M. Munshi: I do not suggest for a moment that the promise is not to be kept or is not to be maintained. The fact is that it is impossible, in the nature of things, to assure that a particular quality of rice must be received at a particular port. It is only at that port that you find what the rice is like.

Shri Kamath: Do the reports received by the Minister from Travancore-Cochin, from official and non-official sources there, show that the rout of the Congress in that State was largely due to Government's failure to supply rice of fair quality and in fair quantity?

Shri K. M. Munshi: No such complaints, so far as I know, have been received.

Mr. Deputy-Speaker: The hon. the Food Minister cannot answer those questions.

Shri Alexander: May I know whether the Travancore-Cochin Government have sent a telegram that this rice should be replaced and the Centre has given the reply that they can take it or not but that they will not supply any other thing?

Shri K. M. Munshi: I do not think that is correct.

Shri Alexander: May I know whether the Government is aware that the Travancore-Cochin Government had at that time no reserve?

Shri K. M. Munshi: Well, they may not have got the reserve. That is a different matter. But, as I said, this is incidental to the unfortunate situation in this country and the world with regard to rice. We cannot get rice supplies from the world as easily as we expect, and there is a rice scarcity in the rice-consuming areas. These are incidental to the general situation in regard to rice.

Shri Alexander: May I know whether it was not the fault of somebody who sent the rice there and whether that particular officer has been punished?

Shri K. M. Munshi: Well, we have approached the handling agents as well as the surveyors in Rangoon, and the Burma Government have also been approached in this connection.

Shri Radhelal Vyas: May I know what was the price fixed for the broken rice and how far it was lower than that of A class rice?

Shri K. M. Munshi: I would like to collect the information on this point, but it was a reduced price.

Shri Amelakh Chand: May I know the steps taken by the Government of India for supplying rice to the scarcity areas of Southern India from the northern parts of India?

Shri K. M. Munshi: The fact of the matter is that in Northern India the rice ration is very much lower than the rice ration in the South. Further, at the request of the Government of India several States in the North have reduced their rice rations. And we are doing our best to spare as much rice as possible from North India to the South. Not only that. The Prime Minister and myself have repeatedly called upon the people in the North to give up eating rice.

Shri Shiva Rao: Is the hon. Minister in a position to throw light on the report which has appeared today that the rice ration in some of the South Indian States, including Travancore-Cochin, is likely to be increased in the near future?

Shri K. M. Munshi: So far I have received no request from the Government of Madras that they want to raise it to eight ounces, but as and when the application or request comes it will be duly considered. But they have also to consider this fact that though Madras may have a large stock of rice today, because it is the rice harvesting season, this quantity of rice has also to supply the Presidency in the leaner part of the year, that is from June-July to October. So, when

that request comes it will be duly considered in the light of the circumstances.

बाबू रामनारायण सिंह : मैं यह जानना चाहता हूँ कि टूटा चावल यानी ब्रोकिन राइस आपने मंगाया था या ठीक चावल के साथ टूटा चावल ग़लती से चला आया है ?

[Babu Ramnarayan Singh: May I know whether an order was placed specifically for broken rice or it came in just by mistake along with the good quality rice?]

श्री के० एम० मुन्शी : बात यह थी कि बरमा गवर्नमेंट ने हम से कहा कि हम अच्छा राइस नहीं भेज सकते हैं। उस टाइम पर हमारे भारत की स्थिति ऐसी थी कि जो राइस कंज्यूमिंग एरियाज हैं उन में बिल्कुल राइस नहीं था.....

[Shri K. M. Munshi: The thing is that the Burma Government told us that they could not send good quality rice and the position in India at that time was that there was no rice left in the rice-consuming areas. . . .]

Dr. S. P. Mookerjee: Let it be either English or Hind!

श्री के० एम० मुन्शी : नहीं यह दोनों का मिक्चर है It is broken rice तो इस लिये यह ब्रोकिन राइस हम ने ले लिया है क्योंकि दूसरा रास्ता ही नहीं था। लेकिन ब्रोकिन राइस की फरियाद नहीं है, फरियाद है कि इस राइस में कचरा भी आ गया है।

[Shri K. M. Munshi: Well, it is a mixture of both; it is broken rice. So we accepted this broken rice for there was no alternative. But the complaint is not about the broken rice; the complaint is that it contains dirt as well.]

Shri Kamath: Did I hear the Minister to say that all the Ministers have given up eating rice, or only he and the Prime Minister?

Shri K. M. Munshi: I said we made an appeal, not about our eating—but I have given it up.

Shri Alexander: When do Government propose to give Travancore-Cochin an eight ounce rice ration or something higher than four and a half ounces?

Shri K. M. Munshi: As soon as the Travancore-Cochin Government procures sufficient rice and I am able to make up the deficit for the purpose.

Shri Alexander: Is it not a fact that the Travancore-Cochin Government is now procuring as much as it could procure, the maximum?

Shri K. M. Munshi: If the Government procures all that it can and if the Central Government is able to secure from the other countries as much as it can, then it must depend upon what we have got.

AERODROME FOR KARWAR

*93. Shri Joachim Alva: (a) Will the Minister of Communications be pleased to state whether Government propose to construct an aerodrome at Karwar?

(b) When was the survey last made for the establishment of airport in Karwar?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No, Sir.

(b) No survey was made.

Shri Joachim Alva: Is it true that the Government has come to a decision in regard to the Hubli airport, and when doing so did they consider the question of having an airport at Karwar?

Shri Raj Bahadur: So far as the Hubli airport is concerned it is included in a tentative ten year plan for aerodromes in India.

Shri Joachim Alva: Are Government aware that in the immediate neighbourhood, in Goa, there is a high-powered aerodrome to the detriment of Karwar and to the safety of India itself?

Shri Raj Bahadur: I am thankful for the information given.

Shri Kamath: In view of the construction of an aerodrome at Mangalore is there any need for an aerodrome at Karwar?

Shri Raj Bahadur: The Government is at one with the hon. the questioner.

Shri M. Naik: How many aerodromes abandoned during the war have been restored since the war?

Shri Raj Bahadur: That question has been replied to before on the floor of Parliament and I would refer the hon. Member to that answer.

ACCIDENT AT CALCUTTA DOCK

*94. **Shri A. C. Guha:** Will the Minister of Transport be pleased to state:

(a) whether Government have made any enquiry into the Prinsep Ghat (Calcutta) tragedy in which some persons lost their lives due to the collapse of the jetty; and

(b) if so, (i) the number of persons who lost their lives; (ii) the condition of the jetty which collapsed; (iii) when the jetty was last inspected and repaired; and (iv) whether it is true that these jetties are mostly in dilapidated condition for some years?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Yes. It is understood that an enquiry has been made by the State Police authorities.

(b) (i) Ten dead bodies are reported to have been recovered so far.

(ii) The jetty was in very good condition and did not collapse. The accident was caused by a portion of the Southern hand railing of the shore gangway giving way due to buckling.

(iii) The jetty was inspected on the 29th December 1951 and certain petty repairs carried out by the 22nd January 1952. On the latter date it was again inspected and passed by the Executive Engineer of the Calcutta Port Commissioners.

(iv) No.

Shri A. C. Guha: Am I to understand that the enquiry was conducted only by the Calcutta police and the Port Trust and the Transport Ministry held no enquiry into the matter?

Shri Santhanam: Generally in all such cases it is the local law and order people who have to make enquiries.

Shri A. C. Guha: It is a question involving the loss of so many lives and not a mere question of law and order. May I know the reason why the Department concerned did not make any enquiry?

Shri Santhanam: So far as the Department is concerned there is nothing to enquire. The jetty was in good condition. It is because too many people went there and hung upon both sides of the railings that the thing gave way. It was due to the breakdown of law and order which allowed too many people to go to the railings. That was the real cause.

Shri A. C. Guha: May I know if the attention of the hon. Minister has been drawn to the report published in almost all the Calcutta papers that the condition of the jetty was very bad and even the remaining jetties are not in good condition and require to be repaired thoroughly?

Shri Santhanam: In fact the report of *The Statesman* was that the jetty was in very good condition and the railing was very strong, but except for the unduly large number of people who went there in spite of the instructions of the police the thing would not have occurred.

Shri Kamath: Has the Lieutenant-Governor designate—I mean, has the Minister got any records to show as to how many months before the accident it was inspected by the officers?

Shri Santhanam: My hon. friend might have listened to the answer which I gave. The jetty was inspected on the 29th December 1951 and certain petty repairs carried out by the 22nd January 1952. On the latter date it was again inspected and passed by the Executive Engineer of the Calcutta Port Commissioners. It was only on the 22nd January 1952 that it was inspected and passed.

Shri Kamath: Have any suggestions been made that the machinery for inspection is not adequate and should be improved?

Shri Santhanam: In this case, the question was not of inspection, but a question of unduly large crowds going and hanging by the railings.

APPEAL BOARDS FOR UNFIT SEAMEN

*96. **Shri S. C. Samanta:** Will the Minister of Transport be pleased to state:

(a) whether Appeal Boards at the ports of Calcutta and Bombay were set up to review the cases of those seamen who were declared permanently unfit for sea service by medical officers of the Pre-entry Medical Examination Scheme;

(b) if so, who were the members of the Boards; and

(c) whether any fee was charged for the purpose and if so, who paid the fee?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Yes.

(b) The Appeal Board consists of two doctors, one being the Presidency Surgeon and the other a Government doctor, preferably a specialist in the particular disease for which the appellant seaman may have been declared unfit.

(c) A fee of Rs. 10 has been prescribed for each case going up to the Appeal Board, half of which is recovered from the appellant seaman and the other half is met by Central Government.

Shri S. C. Samanta: May I know how many cases have been reviewed so far in both the ports?

Shri Santhanam: About 42,000 seamen have been examined at both the ports, up to the end of December, 1951. I have not got particulars of the number of cases which went to the appeal board.

Shri S. C. Samanta: May I know in how many cases seamen were reinstated and whether their pay and allowances were given for the intervening period?

Shri Santhanam: I would like to have notice.

Shri S. C. Samanta: May I know whether these boards are permanent bodies?

Shri Santhanam: Yes. We are under statutory obligation to have them inspected. These are more or less permanent bodies.

Shri M. Naik: In what way does the standard of medical fitness prescribed for the seamen differ from the standard fixed for other services?

Shri Santhanam: The standard has been prescribed in consultation with the Sea Men's Union so that the people may be fit for their work.

MILK FOR CHILDREN

*91. **Shri S. N. Das** (on behalf of **Shri Jnani Ram**): Will the Minister of Health be pleased to state:

(a) the total number of children who were supplied with milk in Part 'C' States during the year 1951;

(b) the total cost of the same; and

(c) the amount received as aid from the foreign countries for the purpose?

The Minister of State for Transport and Railways (Shri Santhanam): (a) The number of children who were given milk from stocks donated by the U.N.I.C.E.F. in 1951 in Part 'C' States varied from time to time but the highest daily average of beneficiaries was 18,000. The Part 'C' States in which milk was distributed were Delhi and Himachal Pradesh.

(b) and (c). Aid in the form of money was not received for the milk feeding programme from foreign countries. The U.N.I.C.E.F. supplied 4.6 million lbs. of skim milk powder

during 1951 for free distribution to children and expectant and nursing mothers in various parts of the country. Recently food gifts were received from Switzerland and the Netherlands for free distribution in food scarcity areas in this country. The consignments included 161,800 lbs. of milk from Switzerland and 141,245 lbs. of milk from the Netherlands.

Shri S. N. Das: May I know the quantity of milk that is supplied to a child at one time?

Shri Santhanam: It must vary because it depends upon the age of the child. Milk is given to children—from infants of one year to children of 12 years of age. I have no details of the particular quantities given.

Shri Lakshmanan: May I know the basis on which allocation of the donated milk is made to the various States and whether any special treatment is given to States which are deficit in food?

Shri Santhanam: Yes; special treatment has been given to Travancore-Cochin.

Shri Kamath: With a view to feeding babies in Part C States adequately, do Government think it necessary to restrict the consumption of milk by adults and adolescents?

Shri Santhanam: This distribution refers to all States: Not only to Part C States. So far as Part C States are concerned, I think it must be a matter for the State Governments to consider whether any such restriction is feasible or desirable.

Shri R. Velayudhan: What type of special treatment was given to Travancore-Cochin? Is it because there are more children there?

Shri Santhanam: Owing to food scarcity, it was given a comparatively larger allotment of this milk powder.

Shri S. N. Das: May I know whether, as a result of this distribution of milk, any assessment has been made regarding the improvement of health of children in those *ilqas*?

Shri Santhanam: I do not think it is practicable. Any way, I have no reply to that question.

Shrimati Velayudhan: I want to know whether any supervision is exercised by the Centre to see that the milk supplied is not misappropriated?

Mr. Deputy-Speaker: Drunk by anybody?

Shri Santhanam: The Centre exercises supervision through the State Governments.

Shri Kamath: Are there any reports to show that babies in Parts A and B States have been discriminated against?

Shri Santhanam: There has been no discrimination against any children.

AIR ACCIDENT NEAR JODHPUR

95. Shri S. N. Das (on behalf of **Shri Jnani Ram**): Will the Minister of Communications be pleased to state:

(a) whether an aeroplane crashed near Jodhpur on the 26th January, 1952;

(b) if so, the causes of the accident; and

(c) the casualties in the accident?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes. A Beechcraft Bonanza aircraft belonging to His Highness the Maharaja of Jodhpur and piloted by him crashed on the Jawai river bed at Erinpura about 80 miles from Jodhpur on the 26th January, 1952.

(b) The accident is attributed to an error of judgment on the part of the Pilot while indulging in low flying. This resulted in the aircraft striking against the telegraph cables running across the river Jawai.

(c) The pilot, namely His Highness the Maharaja of Jodhpur, and the only passenger who was with him, were killed.

ACCIDENT TO JANATA EXPRESS

***97. Shri Jnani Ram:** Will the Minister of Railways be pleased to state:

(a) whether the Janata Express bound for Bombay met with an accident on the 26th January, 1952;

(b) if so, the causes of the accident; and

(c) the casualties of the accident?

The Minister of State for Transport and Railways (Shri Santhanam): (a) At about 11-28 hours on 26th January 1952, No. 36 Up Delhi-Bombay Janata Express, while running through Rentia station on the Ratlam-Baroda section of the Western Railway, derailed at the outer-most trailing points of the station after the

engine and two coaches next to it had safely passed over them.

(b) The pin of a brake pull-rod dropping from the bogie of a coach and getting wedged into the crossing at the trailing points, caused the derailment.

(c) No one was killed or seriously injured. 12 passengers received petty abrasions or bruises.

WRITTEN ANSWERS TO QUESTIONS

CARRIAGE OF MAIL

11. Shri K. Vaidya: Will the Minister of Communications be pleased to state:

(a) whether charges for conveyance of mails by air are paid by an annual contribution fixed by contract or on the basis of daily weight of the mails; and

(b) if it is the latter, whether there is any limit of minimum weight guaranteed to be offered and maximum weight required to be carried and what are they?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Charges for conveyance of mails by air are paid on the basis of the actual daily weight of mails carried. In the case of the Karachi-Colombo service of Air-India and the Delhi-Karachi Service of Indian National Airways, however, the payments, although to be calculated as above, are subject to annual minima which are guaranteed under arrangements due to terminate in February 1953:

Karachi-Colombo Rs. 10 lakhs.
Service.

Delhi-Karachi Rs. 1 lakh (if frequency
Service of service is 3 or more
but less than 7 services
a week) and Rs. 1.5 lakhs
(if frequency is 7 or more
services a week).

(b) There are no such limits.

ANNAPOORNAS

12. Shri Jnani Ram: Will the Minister of Food and Agriculture be pleased to state:

(a) the number of new Annapoornas opened during the current year; and

(b) the places where such Annapoornas have been opened?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) and (b). Since the starting of the *Annapoorna* in New Delhi on 12th January, 1951 the All-India Women's Food

Council have opened six other cafeterias, one each at Bombay, Hyderabad, Madras, Calcutta, Simla and Hoshiarpur.



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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(5th February, 1952 to 29th February, 1952)

Fifth Session

of the

PARLIAMENT OF INDIA

1952

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CORRIGENDA

to

the Parliamentary Debates (Part II—Other than Questions and Answers), Fifth Session, 1952

In Volume I,—

1. No. 2, dated the 6th February, 1952,—

(i) Col. 23, line 33 for "to provide for" read "further to amend", and in line 2 from bottom for "further to amend" read "to provide for".

2. No. 5, dated the 12th February, 1952,—

(i) Col. 309, for existing last line read "chancellories or in government, but"

(ii) Col. 362, line 31 for "Kamth" read "Kamath".

3. No. 6, dated the 13th February, 1952,—

(i) भाग ३९१, पंक्ति १५ में "एम जुनही" के स्थान पर "जुल्म नहीं" पढ़ें ।

(ii) भाग ३९२, पंक्ति २५ में "बतक" के स्थान पर "बक्त" पढ़ें ।

(iii) Col. 443, line 8 for "ony" read "only".

(iv) کالم ۳۷۲ آخری لائن کے شروع میں وہ ملی ہیں ان کے متعلق یہ پڑھیں —

(v) Col. 529, for existing last line read "excess of such moisture as may reasonably be expected, by watering the".

(vi) Col. 530, insert "both parties are protected. They pro—" as last line.

4. No. 8, dated the 15th February, 1952,—

(i) Col. 648, after line 7, insert "this demand has come before the House today, that".

(ii) Col. 658, line 32 for "OUTLAY" read "OUTSIDE".

(iii) Col. 659, line 6 from bottom for "Jagivan Ram" read "Jagjivan Ram"

(iv) Col. 676, last line for "liament" read "Parliament".

(v) Col. 686, line 16 from bottom for "Gapalaswami" read "Gopalaswami".

5. No. 9, dated the 18th February, 1952,—

(i) भाग ८०३, नीचे से पंक्ति ४ में "जचित राम" के स्थान पर "अचित राम" पढ़ें ।

6. No. 11, dated the 20th February, 1952,—

(i) भाग १००७, पंक्ति ९ को "की जरूरत है" पढ़ें ।

7. No. 14, dated the 23rd February, 1952,—

(i) Col. 1184, line 8 for "Jagivan Ram" read "Jagjivan Ram".

(ii) Col. 1191, for existing line 4 read "Clause 6 —Contributions and matters".

(iii) भाग १२२७, पंक्ति १० में "यस्य" के स्थान पर "सत्तम" पढ़ें ।

8. No. 15, dated the 25th February, 1952,—

(i) भाग १२५४, पंक्ति २४ में "रती" के स्थान पर "तीर" पढ़ें ।

9. No. 19, dated the 29th February, 1952,—

(i) Col. 1564, in the beginning of line 17 from bottom insert "voted".

(ii) Col. 1612, line 3 from bottom for "purpose" read "propose".

(iii) भाग १६२४, पंक्ति ५ में "सउन" के स्थान पर "उस ने" पढ़ें ।

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

627

PARLIAMENT OF INDIA
Friday, 15th February, 1952

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

[MR. DEPUTY-SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS
(See Part I)

11-10 A.M.

RESIGNATIONS OF MEMBERS

Mr. Deputy-Speaker: I have to inform the hon. Members that Shri A. M. Rathnaswamy and Shri V. S. Sivaprakasam have resigned their seats in Parliament with effect from the 14th February, 1952.

PAPER LAID ON THE TABLE

**ABSTRACT ESTIMATES FOR THE MAJOR
PORT AT KANDLA**

The Minister of State for Transport and Railways (Shri Santhanam): I beg to lay on the Table a statement showing the Abstract Estimates for the Major Port at Kandla, promised in reply to supplementaries to Starred Question No. 63, asked on the 12th February, 1952. [See Appendix I, annexure No. 15.]

**PREVENTIVE DETENTION (AMEND-
MENT) BILL**

The Minister of State for Home Affairs (Shri Sidhva): I beg to move for leave to introduce a Bill further to amend the Preventive Detention Act, 1950.

Mr. Deputy-Speaker: The question is:

“That leave be granted to
introduce a Bill further to amend

405 P.S.D.

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the Preventive Detention Act, 1950.”

The motion was adopted.

Shri Sidhva: I introduce the Bill.

**TERRITORIAL ARMY (AMEND-
MENT) BILL**

The Deputy Minister of Defence (Major-General Himatsinghji): I beg to move for leave to introduce a Bill further to amend the Territorial Army Act, 1948.

Mr. Deputy-Speaker: The question is:

“That leave be granted to
introduce a Bill further to amend
the Territorial Army Act, 1948.”

The motion was adopted.

Major-General Himatsinghji: I introduce the Bill.

**INDUSTRIAL DISPUTES (AMEND-
MENT) BILL**

The Minister of Labour (Shri Jagjivan Ram): I beg to move for leave to introduce a Bill further to amend the Industrial Disputes Act, 1947.

Mr. Deputy-Speaker: The question is:

“That leave be granted to
introduce a Bill further to amend
the Industrial Disputes Act,
1947.”

The motion was adopted.

Shri Jagjivan Ram: I introduce the Bill.

GO-SAMVARDHANA BILL

**PRESENTATION OF REPORT OF
SELECT COMMITTEE**

The Minister of Food and Agriculture (Shri K. M. Munshi): I beg to present the Report of the Select Committee on the Bill to promote "Go-samvardhana" and for matters connected therewith.

**INDIAN STANDARDS INSTITUTION
(CERTIFICATION MARKS) BILL**

**PRESENTATION OF REPORT OF
SELECT COMMITTEE**

The Deputy Minister of Commerce and Industry (Shri Karmarkar): I beg to present the Report of the Select Committee on the Bill to provide for the standardisation and marking of goods.

PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS BILL

**PRESENTATION OF REPORT OF
SELECT COMMITTEE**

Dr. S. P. Mookerjee (West Bengal): I beg to present the Report of the Select Committee on the Bill to regulate certain matters relating to or connected with elections to the offices of President and Vice-President of India.

THE PUNJAB BUDGET, 1952-53

The Minister of Finance (Shri C. D. Deshmukh): I rise to present a statement of the estimated receipts and expenditure of the Punjab State for the year 1952-1953.

The basis on which these estimates have been framed is set out in the White Paper which is circulated to hon. Members along with the Budget documents. In the ordinary course this Budget should have been presented to the State Legislature, but as it will be some time before the new Houses of the State Legislature are duly constituted and summoned, it is necessary to take interim action to see that the sums required for carrying on the administration of the State are made available to it until the Budget is considered and passed by the State Legislature.

The Budget which I am now presenting has been framed on the existing basis of taxation and expenditure.

It will be presented in due course with such changes as the new Government may consider necessary, to the State Legislature. For the present I propose to invite the House to approve a vote on account to cover the expenditure for the first four months of the coming year and to pass the corresponding Appropriation Bill. In view of this, I do not think the House would expect me to make any detailed speech dealing with these estimates.

**DEMANDS FOR SUPPLEMENTARY
GRANTS FOR 1951-52 (PUNJAB
STATE)**

DEMAND NO. 1—LAND REVENUE

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 1,38,120 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Land Revenue'."

DEMAND NO. 2—STATE EXCISE DUTIES

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 13,060 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'State Excise Duties'."

DEMAND NO. 3—STAMPS

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 12,680 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Stamps'."

**DEMAND NO. 4—CHARGES ON ACCOUNT
OF MOTOR VEHICLES ACT AND OTHER
TAXES AND DUTIES**

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 17,350 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges

which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Charges on account of Motor Vehicles Act and other Taxes and Duties'."

DEMAND NO. 5—IRRIGATION WORKING EXPENSES AND IRRIGATION EXPENDITURE FINANCED FROM ORDINARY REVENUES

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 11,30,320 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Irrigation Working Expenses and Irrigation Expenditure Financed from Ordinary Revenues'."

DEMAND NO. 6.—CONSTRUCTION OF IRRIGATION WORKS FINANCED FROM ORDINARY REVENUES

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 54,200 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Construction of Irrigation Works Financed from Ordinary Revenues'."

DEMAND NO. 7—POLICE

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 4,90,500 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Police'."

DEMAND NO. 8—VETERINARY

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 1,20,910 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Veterinary'."

DEMAND NO. 9—CIVIL WORKS

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 10 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Civil Works'."

DEMAND NO. 10—CHARGES ON PUBLIC WORKS DEPARTMENT, BUILDINGS AND ROADS ESTABLISHMENT

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 43,900 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Charges on Public Works Department, Buildings and Roads Establishment'."

DEMAND NO. 11—INTEREST ON CAPITAL OUTLAY ON ELECTRICITY SCHEMES, RECEIPTS FROM MULTI-PURPOSE RIVER SCHEMES — DEDUCT — WORKING EXPENSES AND RECEIPT FROM ELECTRICITY SCHEMES—DEDUCT—WORKING EXPENSES (OTHER THAN ESTABLISHMENTS)

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 7,76,440 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Interest on Capital Outlay on Electricity Schemes, Receipts from Multi-purpose River Schemes—Deduct—Working Expenses and Receipts from Electricity Schemes—Deduct—Working Expenses (other than Establishments)'."

DEMAND NO. 12—CHARGES ON ELECTRICITY ESTABLISHMENT AND MISCELLANEOUS EXPENDITURE

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 84,500 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect

[Mr. Deputy-Speaker]

of 'Charges on Electricity Establishment and Miscellaneous Expenditure.'

DEMAND No. 13—FAMINE

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 2,34,540 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Famine'."

DEMAND No. 14—SUPERANNUATION ALLOWANCES AND PENSIONS

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 9,12,490 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Superannuation Allowances and Pensions'."

DEMAND No. 15—MISCELLANEOUS

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 11,37,530 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Miscellaneous'."

DEMAND No. 16—ADVANCES NOT BEARING INTEREST—ADVANCES REPAYABLE

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 1,14,900 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Advances not bearing interest—Advances Repayable'."

DEMAND No. 17—CONSTRUCTION OF IRRIGATION WORKS

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 6,54,500 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges

which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Construction of Irrigation Works'."

DEMAND No. 18—PAYMENTS OF COMMUTED VALUE OF PENSIONS

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 1,33,510 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Payments of Commuted Value of Pensions'."

DEMAND No. 19—GENERAL ADMINISTRATION

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 10 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'General Administration'."

DEMAND No. 20—MISCELLANEOUS DEPARTMENTS

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 10 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Miscellaneous Departments'."

DEMAND No. 21—EDUCATION

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 10 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Education'."

DEMAND No. 22—MEDICAL AND PUBLIC HEALTH

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 10 be granted to the President out of the Con-

solidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Medical and Public Health'."

DEMAND No. 23—AGRICULTURE

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 10 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Agriculture'."

**DEMAND No. 24—CAPITAL OUTLAY
ON INDUSTRIAL DEVELOPMENT**

M. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 10 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Capital Outlay on Industrial Development'."

**DEMAND No. 25—CAPITAL ACCOUNT
OF CIVIL WORKS OUTSIDE THE
REVENUE ACCOUNT**

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 10 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Capital Account of Civil Works Outside the Revenue Account'."

**DEMAND No. 26—CAPITAL OUTLAY ON
ELECTRICITY SCHEMES (OUTSIDE THE
REVENUE ACCOUNT)**

Mr. Deputy-Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 10 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Capital Outlay on Electricity Schemes (outside the Revenue Account)'."

Now, there are some cut motions to these.

**DEMAND No. 11—INTEREST ON CAPITAL
OUTLAY ON ELECTRICITY SCHEMES,
RECEIPTS FROM MULTI-PURPOSE RIVER
SCHEMES—DEDUCT—WORKING EX-
PENSES AND RECEIPTS FROM ELECTRI-
CITY SCHEMES—DEDUCT—WORKING
EXPENSES (OTHER THAN ESTABLISH-
MENTS)**

Panipat Refugee Colony

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 7,76,440, in respect of 'Electricity Scheme—Working Expenses' be reduced by Rs. 100."

I wish by this cut motion, to raise a discussion on the development of Panipat Refugee Colony and Power House—item 21 on page 39, Purchase of Power from Panipat Power House, and the second one is about the New Minor Works, item 37 on the same page—the additional sum required to meet the anticipated expenditure including the New Minor Works.

The House is well aware that the Punjab administration was taken over by the President a few months ago with a view to the betterment of the Government of the Punjab. The House is therefore entitled to know on this occasion of sanctioning the supplementary grant for the Government of the Punjab as to the manner in which the administration has been carried on and what has necessitated these Demands for further Supplementary Grants.

Before I come to these two specific subjects, I would like to say in passing that the explanatory note with regard to this particular Demand—No. 11—part of it—contains several items which though they represent Demands for several grants, yet are passed over as mere trifle. The House will see that there are as many as half-a-dozen or more items which have been lightly passed over with the remark that the excess is trifling. The excess, no doubt, is trifling, but many a trifle leads to something which is not quite desirable. It is very necessary in the public interest that every pie of public funds, every pie of the taxpayer's money should be duly accounted for and the Government consisting as it does a majority, at any rate of Mahatma Gandhi's followers do not need any exhortation on this subject. Mahatma Gandhi used to say that every pie of public money was a sacred trust with a Congressman or with anybody else, and as many of the members of the Government are demonstrably

[Shri Kamath]

Congressmen—and there will be no dispute on that point—if they have forgotten this sound advice of the Mahatma they will do well to recall it to their minds and to bear it in mind on this occasion and always. I realise that the Finance Minister is not in the category of being a Mahatma Gandhi's follower, though in spirit he may be one but the outer trappings may be lacking...

Mr. Deputy-Speaker: Is it necessary to stray away like this and bring in Mahatma Gandhi's name for these purposes? It is enough if we address ourselves to the point in hand. Mahatma Gandhi's name is as much to be respected by the hon. Member as by the Ministers.

Shri Kamath: I wish the name of Mahatma Gandhi is equally respected by the Ministers, but they do not.

Mr. Deputy-Speaker: But it is in a spirit of ridicule that the hon. Member is referring to the name.

Shri Kamath: Which name?

Mr. Deputy-Speaker: That is the spirit in which he is bringing in the name of Mahatma Gandhi. It is a name to be respected not only by this side of the House, but by all. It is not relevant to bring in the name of Mahatma Gandhi from time to time.

Shri Kamath: Yes, Sir, it is a name to be respected by the whole nation. I did not ridicule anybody, much less the Mahatma. And if you think that it was in ridicule I think either you have been slightly absentminded or did not understand what I was driving at. I am sorry that the Chair has given expression to certain statements which I did not expect from the Chair.

Mr. Deputy-Speaker: Your words were capable of being understood in that way.

Shri Kamath: I was not ridiculing anybody, least of all the Mahatma. Others might ridicule him, but not I.

Now, coming to this particular demand, Demand No. 11, from pages 31-43 I have moved a cut motion seeking to discuss two specific subjects, but before I come to these subjects, I would like to ask the hon. the Finance Minister as to how items 8 on page 40, 18, and 22 on page 41 and items 36, 37 and 38 on page 42 are to be accounted for. As regards items Nos. 8 and 18 on pages 40 and 41, there is of course the

plausible remark that the excess is trifling, the sums being Rs. 150, Rs. 140 and Rs. 120, but as regards items Nos. 36, 37 and 38, item No. 36 is supposed to be trifling, the sum being only Rs. 50, but items Nos. 37 and 38 represent fairly large sums, Rs. 9,100 and Rs. 1,400. There is no detail with regard to these two amounts, apart from the brief remarks on pages 37 and 38.

As regards the other items which comprise this Demand, there are certain remarks and notes on pages 40 to 43, but no note is forthcoming with regard to these items, particularly 37 and 38. I hope the hon. Minister will throw some light on this matter in the course of his reply to the debate on this cut motion.

Now, coming to the specific subjects, the Panipat Refugee Colony and Power House and New Minor Works, I will take up the first first. That is the Panipat Refugee Colony and Power House.

Mr. Deputy-Speaker: Do they go together?

Shri Kamath: Yes, Sir.

Mr. Deputy-Speaker: I see from the previous rulings that a cut motion should restrict itself only to one grievance for purposes of ventilation. Therefore the hon. Member will restrict himself either to the one or the other of the two subjects mentioned by him.

Shri Kamath: I will restrict myself to Panipat. That is a historical place. I attach more importance to that than to any other subject with regard to this cut motion. The Panipat Refugee Colony, I believe, came into being some years ago, and thousands of refugees have been housed and rehabilitated in that colony. A special power house was erected there or perhaps it was extended, and power was purchased from this power house for the Refugee Colony. Now the note as regards this item 35 on page 39 is, "The same remarks as against item (30)." That is, "It has now been decided to give credit for the Power to be received from Panipat Power House at a fixed rate; hence the provision." This is with regard to item No. 30, "Purchase of power from Panipat Power House." The House needs some clarification on this point, because under B.17 "Cost of power—Karnal Refugee Colony" the purchase of power from Panipat Power House is given as Rs. 5,000. Now, I would like to know when this decision was

taken, because the note merely says

"It has now been decided to give credit for the power to be received from Panipat Power House at a fixed rate; hence the provision" (item No. 30 on page 42). The same remarks apply to item No. 35. I would like to know from the hon. Minister when this decision was taken and whether this subject was not considered at all at the time the Budget of the Punjab was passed by the legislature last year before the Government was taken over by the President and the matter came before Parliament. This is the important point with regard to this matter, and incidentally the Finance Minister may also tell the House as to the number of refugees who are benefiting by this power from the Panipat Power House, how many of them sought the advantage of the power from this Power House and what approximately would be the expenditure required to supply power to all the refugees in the colony. That is with regard to this item.

Then, there are the items 37 and 38. The Finance Minister might tell us a little more about them because the notes are absolutely blank on page 42. The only brief remark about these sums Rs. 900 and 400 is that on page 39. That is about all. Nothing more is mentioned in the notes on these items.

Mr. Deputy-Speaker: 38 is depreciation fund.

Shri Kamath: I was referring to item No. 37.

Mr. Deputy Speaker: New Minor Works.

Shri Kamath: What are these minor works? Nothing is mentioned on page 42. This is a fairly big sum, Rs. 9,100. What exactly are the minor works envisaged by the Government we would like to know from the Minister because there are no notes on this. I would therefore move the cut motion so that the Minister might give the House any information that he has on these subjects.

Mr. Deputy-Speaker: Cut motion moved:

"That the demand for a supplementary grant of a sum not exceeding Rs. 7,76,440, in respect of 'Electricity Scheme—Working Expenses' be reduced by Rs. 100."

POINT OF ORDER RE. APPOINTMENT OF TWO HON'BLE MEMBERS AS LIEUT.-GOVERNORS

Shri Amolakh Chand (Uttar Pradesh): Sir, we are very glad to know that two of our hon. Members have been appointed Lieut.-Governors of two States, Vindhya Pradesh and Himachal Pradesh. In view of article 102 of the Constitution may I know whether they have ceased to be Members of this House or can they continue to be Members thereof?

Mr. Deputy-Speaker: Have they been designated or appointed?

Shri Amolakh Chand: The Notification says that they have been appointed and I presume that with their own consent they have been appointed. The British practice as far as I know is that as soon as an hon. Member of the House is appointed as Governor-General or Lieut.-Governor they vacate their membership of the Parliament forthwith and as such I want to know whether the same principle applies in this House also.

Mr. Deputy-Speaker: Has this point of order any bearing on the Punjab budget which is before the House?

Shri Amolakh Chand: It is a matter which relates to the whole House irrespective of the motion before the House.

Mr. Deputy-Speaker: Let us get through the business. We will consider the matter if it comes to a question of the two Members taking part in the voting.

Shri Kamath (Madhya Pradesh): The point is whether a Lieut.-Governor designate can sit in the House.

The Deputy Minister of Commerce and Industry (Shri Karmarkar): The Chair may take a little time to consider the point till at least tomorrow.

Shri Kamath: In the meantime the two Lieut.-Governors designate may leave the House.

Mr. Deputy-Speaker: Article 102 states:

"A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—

(a) if he holds any office of profit under the Government of India or the Government of any State...

The Minister of States, Transport and Railways (Shri Gopalaswami): The operative word is "holds".

Mr. Deputy-Speaker: They are now Ministers and they will hold an office of profit when they have taken charge of the new offices. I do not know when that will begin, whether it will be immediately or not.

Article 103 says:

"(1) If any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of article 102, the question shall be referred for the decision of the President and his decision shall be final.

(2) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion."

The Minister of State for Transport and Railways (Shri Santhanam): I have not got any order of appointment, Sir.

Mr. Deputy-Speaker: The hon. Member himself has not received any order of appointment. I shall take time to consider how far there is any disqualification in view of what he has stated.

Shri Gopalaswami: I would ask you to consider whether it is worthwhile reserving your opinion or ruling on this particular point. The disqualification says "if he holds any office of profit". Even assuming that the appointment order had been issued, he does not come to hold the office until he has taken charge of it. The point can be ruled out at once.

Dr. Pattabhi (Madras): Even if they are appointed they may only cease to be Members of Parliament but they have a right to sit as Ministers here. They may not vote, but that is a different matter.

Shri Joachim Alva (Bombay): Sir, is the hon. Minister of Transport justified in his interference with the proceedings?

Shri Gopalaswami: I claim my right as a Member of Parliament.

Shri J. R. Kapoor (Uttar Pradesh): It would be worthwhile knowing whether Mr. Santhanam has already given his consent to accepting the appointment or not.

Shri Sondhi (Punjab): He says he has not received any appointment order.

Shri J. R. Kapoor: I presumed that ordinarily a person who is offered such a high office is consulted and his consent obtained by the Government in advance. He may not have received the letter of appointment but the question is whether he has given his consent or not. If so, that is another point which may be taken into consideration.

Mr. Deputy-Speaker: It is not necessary to labour the point further. I understand that the practice is that they have to take the oath of office. If they have not done so, they do not hold any office of profit. Therefore the matter does not arise and they continue to be Members of the House.

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1951-52 (PUNJAB STATE)—*contd.*

DEMAND NO. 11—INTEREST ON CAPITAL OUTLAY ON ELECTRICITY SCHEMES, RECEIPTS FROM MULTI-PURPOSE RIVER SCHEMES—DEDUCT—WORKING EXPENSES AND RECEIPTS FROM ELECTRICITY SCHEMES—DEDUCT—WORKING EXPENSES (OTHER THAN ESTABLISHMENTS)—*contd.*

Panipat Refugee Colony

The Minister of Finance (Shri C. D. Deshmukh) rose—

Mr. Deputy-Speaker: Let all the points be urged with respect to the particular demand and then the hon. Minister may take time to reply. Let all the motions be moved.

Shri C. D. Deshmukh: I have received the cut motions this morning only and I have not been able to get into touch with the Punjab officials concerned. I should like to have a little more time to reply.

Mr. Deputy-Speaker: The reply of the Finance Minister might be reserved and meanwhile hon. Members who want to take part in any particular demand may do so.

DEMAND NO. 15—MISCELLANEOUS RESETTLEMENT OF I.N.A. PERSONNEL

Shri Kamath: I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 11,37,530, in respect of 'Miscellaneous' be reduced by Rs. 100."

Mr. Deputy-Speaker: I would ask the hon. Member to choose one of these items for his remarks. On each demand there can be only one grievance.

Shri Kamath: My idea was to move several cut motions separately to discuss each of these items. Is it not in order to move several cut motions on the same demand?

Mr. Deputy-Speaker: If there is a single cut motion relating to various grievances, the difficulty will be that the House may accept some and reject others and therefore it would be difficult to put those grievances separately. That is why even on a particular demand separate cut motions have to be tabled, each relating to one specific grievance. Unfortunately nothing of the kind could be done now. Therefore this cut motion should be restricted to only one of the grievances and the hon. Member may have this option.

Shri Kamath: I shall take up the matter of the progress of the resettlement of the I. N. A. personnel.

The note to this demand reads as follows:

"A Committee for the Punjab resettlement of I. N. A. personnel was set up in October, 1948 to help the I. N. A. personnel in their rehabilitation and unemployment."

The personnel of the Committee originally consisted of three officials and one non-official member. Then even the non-official member was replaced by Col. Gurmit Singh "who was Government official and he was entitled to travelling allowance at the rate admissible.....". We are not concerned with the money he actually drew or desires to draw but the point here is that the personnel of the Committee which consisted originally of three officials and one non-official member, though not entirely satisfactory must be regarded as fairly so, considering the general policy pursued towards the I. N. A. by the Central Government and the Governments in the States. But I fail to understand why this Committee became completely officialised and even the single non-official member was replaced by an official.

Mr. Deputy-Speaker: The hon. Member may read paragraph 3 down below. Col. Gurmit Singh did not attend but he asked a non-official gentleman, Col. B. C. Datta of the I. N. A. to attend.

405 P.S.D.

Shri Kamath: That is the third paragraph, but in the second paragraph, if I can raise that subject to-day I do not know whether I will be in order to raise that subject.....

Mr. Deputy-Speaker: It is a matter of policy. Here it is only a question of travelling allowance.....

Shri Kamath: A matter of policy cannot be raised on this cut motion?

Mr. Deputy-Speaker: No.

Shri Kamath: The question is whether the change occurred after the President took over or earlier.

Mr. Deputy-Speaker: If it is a new service certainly the hon. Member will be within his rights. The meeting was held in July but the provision was made in the Budget itself. The note says:

"A Committee called the Punjab Resettlement of I. N. A. personnel Committee was set up in October, 1948 to help the I.N.A. personnel in their rehabilitation and unemployment."

Therefore, this must have found a place in the earlier Budgets also and the policy would have been discussed then.

Shri Kamath: All right. If the policy cannot be discussed on this cut motion.....

The Minister of State for Home Affairs (Shri Sidhva): May I say that this Col. Gurmit Singh, though an official, belonged to the I. N. A.?

Shri Kamath: It is mentioned there he was a Government official. How does my friend, Mr. Sidhva know he was in the I. N. A.?

Shri Sidhva: I am in charge of this. I am supposed to know and I give you the information.

Shri Kamath: But it is not mentioned in the note.

Shri Sidhva: That does not matter, but I am giving you the information.

Shri Kamath: I suppose that is accurate information, as accurate as the information he used to ask for, while on this side of the House?

Shri Sidhva: I am giving you information on behalf of the Government.

An Hon. Member: Now he is in possession of the correct information.

Shri Kamath: Then, Sir, while I would not like to move the cut motion in regard to other matters, I would like to speak on the general demand, Demand No. 15. On page 58 appears an item, No. 4, which is as follows:

“Grant to the Board of Economic Enquiry.”

If the House will turn to the brief note on this particular item, “Grant to the Board of Economic Enquiry”, my hon. friends will see.,

“that the programme of work for the year was drawn up on the presumption that the grant of Rs. 75,000 would be made available during the year 1951-52. It was on this basis that the programme was drawn up. In fact some of the enquiries proposed had actually been taken in hand. As a result of the reduction of Rs. 6,000, the programme decided on has been seriously dislocated. So much so that certain inquiries already started have to be dropped...” etc., etc.

The programme was drawn up apparently on the presumption that so much would be available. Was there, in the Budget that was passed by the Punjab Legislature, provision for that amount, Rs. 75,000, for the working of the Board of Economic Enquiry? If there was no provision in the Budget, who was responsible for this presumption that so much would be made available to the Board of Economic Enquiry, and on what facts or grounds was this presumption based that so much would be made available? And if it was not made available actually why was this amount not made available for the working of the Board of Economic Enquiry? That is one of the matters on which I would like the Finance Minister to throw some light.

Then at the bottom of page 59, item 8, there is the matter of subsidy to be paid to the Government of India on account of imported foodgrains. The note reads:

“The targets of procurement of various foodgrains for the Provincial Reserve fixed at the time of submission of Budget Estimates precluded the possibility of receiving any imported foodgrains from the Government of India and hence the question of payment of any subsidy did not arise and no provision was, therefore, made under this

head. On compilation of accounts, however, it has been ascertained that against a sum of Rs. 90,000 provided during 1951-52 an amount of Rs. 1,600 has still to be adjusted in the current years accounts by *per contra* credit to the head ‘85-A—Capital Outlay, etc.’”

Now we have to read perhaps between the lines and behind the lines and it is difficult for Members who are not fully posted with the background of the Budget passed by the Punjab Assembly and the debate that ensued thereon, to get a correct picture of the food situation in the Punjab. The note briefly says:

“The targets of procurement... precluded the possibility of receiving any imported foodgrains from the Government of India.”

But accounts however showed that the situation was not quite as bright as was anticipated earlier. We would like to know what exactly came in the way of the targets of procurement being reached in the Punjab, which,—had the targets been reached,—would not have made the receipt of any imported foodgrains from the Government of India necessary for the Punjab. What exactly happened, what difficulties arose in the way of attaining this target? It says, “On compilation of accounts, however, it has been ascertained”. When exactly were the accounts compiled and when was it revealed that this position had arisen with regard to this particular matter?

Then item No. 9 on page 60, “Pay of officers”. It is rather strange that bills remained outstanding—travelling allowance bills, apparently. I do not know for how long a period they remained outstanding. In the olden days at any rate when the British Government was still here, I do not remember that travelling allowance bills remained outstanding for any long period. I do not know whether it is due to any deterioration in efficiency today or due to the shortage of staff in these offices that bills should remain outstanding. The note says that some ‘old outstanding bills’ were paid during this year, for which no provision was made in the original Budget estimate. How old were these bills? Why were they not paid in time? What was the reason for this delay? Perhaps the Finance Minister might make enquiries and tell the House, if he has time, whether these bills are nearly as old as they are said

to be and if they are really so old, what is the reason for this state of affairs in the Punjab. Next, I come to the important subject of refugee rehabilitation which is covered by items 10, 11, 12 and 13. The refugee rehabilitation problem is one which, it is accepted,—if not universally,—at least widely,—has not been tackled vigorously and at any rate has not been resolved yet. There must be hundreds of thousands of refugees in the Punjab alone and the expenditure incurred on account of their rehabilitation, feeding, housing etc. in the first few years must have run into a few crores of rupees. We have got here demands under the heads: "expenditure in connection with evacuation of refugees"; "relief of refugees"; "expenditure on rehabilitation work centres"; "scheme for training-cum-production centres in women's homes" etc. In the absence of fuller information, it appears to me that there has been some sort of muddle under item 10. The House will see that in the beginning of the year 1948 the Transport Department purchased motor cars and chasses for the use of Government officers and Government Departments. On account of banking difficulties prevalent at the time, it is said that the dealers were not prepared to release these vehicles unless payment was made in advance. The vehicles were purchased and their cost was paid by the Provincial Transport Controller, Punjab. Out of the total amount paid (and this entire sum was recoverable from the allottees,—a certain sum was recovered from the allottees,—but instead of depositing the entire amount recovered only a sum of Rs. 2 lakhs was deposited. Was this due to oversight, or was there something more serious? There is a difference of about Rs. 75,000. I find a remark here that this amount was irregularly incurred. I am glad that Government has admitted that the transaction was irregular. But was it merely an irregularity, or was there something more than that? The Finance Minister may enlighten the House on this point. I want to know whether there was any attempt on the part of the Government officer entrusted with this responsibility to commit any default. The point in regard to the demand for "evacuation purposes" is that the entire sum was recovered from the allottees and only a certain amount was deposited and the balance was incurred for evacuation purpose. How much of this amount was spent by the officers who were engaged in the evacuation and how much of it was actually given to the refugees for helping them to

evacuate? If all this money was spent by the officers themselves on the evacuation machinery that was employed by Government, then it is a serious matter. This is an old transaction and the information may not be readily available just now, but since House is entitled to know what exactly is connoted by "evacuation purposes".

There is one last time item on page 63. At the bottom of the page, you find under "Central office" a note which says that the excess is on account of the fact that the pay of the Deputy Transport Controller has been fixed at a rate higher than that for which provision had been made in the original Budget. What was the rate fixed in the original Budget and what is the revised rate and what are the reasons which justify an enhancement of the pay of this officer? Was this in conformity with an overall enhancement of the pay of officers and staff in the Transport Department or was this only an individual case? Has this officer been receiving a pay higher than that fixed in the Budget and if so, why? These are the points on which I would like to have information.

Mr. Deputy-Speaker: Cut motion moved:

"That the demand for a supplementary grant of a sum not exceeding Rs. 11,37,530, in respect of 'Miscellaneous' be reduced by Rs. 100."

Shri Sidhva: I have got some information on all the points. Early this morning, a trunk call was put through to Simla to obtain as much information as possible in view of the amendment that had been proposed by my hon. friend.

As regards the I. N. A. item, as my hon. friend himself said, it relates to a T. A. of Rs. 160. This gentleman, I am informed, was an I. N. A. man. He is now in the Police service. For the benefit of the House, I may say that there were 7873 I.N.A. men and out of them 2555 have been settled either by Government or by themselves. As regards the rest, the PEPSU Government have been asked to absorb them as far as possible. I am also told that they get a monthly assistance of Rs. 20 per month. I have sought further clarification from them on this subject.

The second item to which my hon. friend referred was about the Board of Economic Enquiry. This is a body which, I am told has been in existence

[Shri Sidhva]

for the past twenty years. Subsequent to partition they appointed another Committee for the purpose of having a survey of the economic conditions of the displaced persons in the Punjab. Due to paucity of funds the grant made to this body was cut down by the Assembly last year. It was admitted on all hands that the Committee was doing very valuable work. This amount is, therefore, now asked to be restored. It will, therefore, be observed that this is not a new item, but an item which was in existence in the previous years, but due to financial stringency was cut down by the last Assembly. Hence this amount is now sought to be restored.

Shri Kamath: The Minister has not quite caught the point made by me in this connection. I only wanted to know the basis for the presumption that the grant of Rs. 75,000 would be made available during the year 1951-52. What was the basis for the presumption and why was the grant not made available?

Shri Sidhva: They thought it might be available, but it was not. So they find it necessary now to have the amount restored. That is the only explanation that I am now in a position to give.

The third point to which Mr. Kamath referred was that of subsidies. From the explanation given I find these relate to certain items of expenditure which were incurred in 1947-48 when the exodus took place. Some of the bills for expenditure incurred then were still outstanding. I made an enquiry in the morning on the phone and no satisfactory information is yet available. But all these items relate to amounts incorrectly credited to wrong accounts. I am assured that there is nothing wrong in regard to these items; all that they want to do is to adjust them and credit them to the proper heads. In any case, if I get any further information during the course of the day, I shall pass them on to the hon. Member.

Shri Kamath: Is the Minister of the view that the information that he has got so far is not satisfactory?

Shri Sidhva: I made specific enquiries about these and wanted to know the meaning of irregularity. I was told that all that has happened is that they have been credited to wrong accounts. I have been assured that there has not been any misappropriation or anything of the kind. I have even told the Department concerned

that before these bills are paid, the auditor should be asked to scrutinise them. Some of these bills have been outstanding from 1947-48, for example, the Madras Government's bill for supply of milk. It is quite possible that due to the disturbances, it would not have been possible to adjust these bills in time. I have however cautioned them that before the bills are actually settled they should be properly scrutinised by the Accountant-General.

In regard to expenses incurred under special homes for unattached women and children, under the Government of India's scheme of refugee relief, unattached women were given Rs. 250 to start their own homes. This is an *ad hoc* amount paid by the Provincial Government which is expected to be recovered from the Government of India in due course.

In regard to expenses in connection with transport services—to which my hon. friend referred—they will be properly scrutinised before they are paid. I think I have covered all the points raised by my hon. friend Mr. Kamath. If, however, I get any further information in the course of the day, I shall gladly supply it to him.

Shri Kamath: The hon. Minister of State has omitted one item from his exhaustive survey of the subject, that is, expenditure on subsidies to be paid to the Government of India on account of imported foodgrains. I would seek some clarification from the hon. minister on this item.

Shri Sidhva: As regards subsidy, it is merely a book entry. I am told that in 1949-50 the Punjab Government exported 1.89 lakh tons mostly of gram and imported 36,000 tons of foodgrains; so that the nett export was 1.53 lakh tons. Similarly in 1950-51 they exported two lakh tons and imported 22,300 tons; the nett export being 1.77 lakh tons. This year they expected to export 49,000 tons of rice and import 60,000 tons of wheat. My hon. colleague the Food Minister is not in his seat at the moment; but I understand that these are matters for adjustment between the Punjab Government and the Food Ministry here. The matter is already under negotiation and immediately a settlement is arrived at the amount will be adjusted.

Shri Kamath: The note refers to certain targets of procurement which had they been reached would have obviated the necessity of receiving

foodgrains from the Centre by the Punjab. Is the hon. Minister aware by what quantity the actual procurement fell short of the target?

Shri Sidhva: The Punjab Government's contention is that at the instance of the Government of India they had to remove the control on gram, with the result that the gram which would have been available in the Punjab at a cheap price, is now being sold at a price 50 per cent. higher than what is prevailing in other parts of India. The Punjab Government therefore feel that the Government of India should pay them a subsidy for the import of other foodgrains, in lieu of the gram which they had to export. How far that is correct I am not in a position to say. The Food Ministry is discussing the matter.

Mr. Deputy-Speaker: Is the hon. Member pressing his cut motion?

Shri Kamath: Yes, Sir.

Mr. Deputy-Speaker: Then I shall put the cut motion to the vote of the House.

Shri Kamath: Before you put the cut motion may I make a request? The Minister of State for Home Affairs has stated that he is getting fuller information on that item.

Shri Sidhva: That may be an additional information for the purpose of clarification. Let this cut motion be disposed of, and if there is any information I will supply it.

Mr. Deputy-Speaker: The Auditor-General will look into this matter.

The question is:

"That the demand for a supplementary grant of a sum not exceeding Rs. 11,37,530, in respect of 'Miscellaneous' be reduced by Rs. 100."

The motion was negatived.

Mr. Deputy-Speaker: I shall now put Demand No. 15 to the vote of the House. The question is:

"That a supplementary sum not exceeding Rs. 11,37,530 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Miscellaneous'."

The motion was adopted.

DEMAND NO. 21.—EDUCATION
Education of Harijans etc.

Shri Kamath: I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 10, in respect of 'Education' be reduced by Re. 1."

Now, Sir, though the total demand is only for Rs. 10, the House will see that under items 8 and 9...

Mr. Deputy-Speaker: It is only an adjustment, I think.

Shri Kamath: By adjustment it comes to Rs. 10. It is made up of various things. Under items 8 and 9...

Mr. Deputy-Speaker: The hon. Member must bear in mind that whatever amount was granted in the original budget, the policy underlying it ought not to be gone into now. If there is an excess of Rs. 10, it can be gone into as to why it ought to be spent, the method of spending and so on, but not the general policy relating to Harijan welfare, that more money ought to have been spent and so on and so forth. This is not the proper occasion for that.

Shri Kamath: I only wish to ask for some information. On page 80 you find item No. 9—Payment of arrears of stipends to Backward Sikh Caste students (I suppose it should mean Sikh backward caste students) under the Harijan Welfare Scheme. Now, that note shows that the applications of students belonging to certain Sikh backward castes for the award of stipends under the Harijan Welfare Scheme have been kept pending since last year as some clarification about their castes were sought from the Government. What I would like to know is whether there was expedition in the disposal of these various applications, whether the matter was expeditiously sought to be disposed of, or whether there was undue delay in the matter of consideration of these applications from students belonging to certain Sikh backward castes. This question has importance, as the Harijan problem came to the fore during the recent census, and therefore it behoves the Government to see that no charge, fair or unfair, of communalism as between Hindus and Sikhs is brought against them. And this particular item refers only to Sikh backward castes. It is very necessary that any such implication should be refuted by Government, and no handle is given for a charge against Government that there is discrimination between Hindu and Sikh backward

[Shri Kamath]

classes in the Punjab. I would therefore like to know when these applications of students belonging to certain Sikh backward castes for the award of stipends under the Harijan Welfare Scheme were received by Government, how many were received, how many from Hindu backward castes and how many from Sikh backward castes—I would not have liked to make any distinction,—but as the note itself refers only to Sikh backward castes and not to Hindu backward castes the Government should tell the House as to how many were received from the Hindu backward caste students and how many from the Sikh backward caste students—whether the applications of the Hindu backward caste students were disposed of expeditiously and those of the Sikh backward caste students were kept pending and, if so, why and for how long they were kept pending, and what sort of information the Government asked for before taking up for consideration the applications of the Sikh backward caste students as regards stipends. That is the information that I would like to get from the Finance Minister or the Minister of State for Home Affairs on this particular subject.

Mr. Deputy-Speaker: Cut motion moved:

“That the demand for a supplementary grant of a sum not exceeding Rs. 10, in respect of ‘Education’ be reduced by Re. 1.”

Shri Sidhva: I am not in charge of this.

Shri Kamath: Is nobody in charge?

Shri C. D. Deshmukh: No, I will have to be in charge, but the information asked for is in very great detail and I will have to obtain it.

Shri Kamath: Are we supposed to vote demands without any information about them?

Mr. Deputy-Speaker: I am not putting these motions. These will stand over naturally—Demands Nos. 11 and 21.

बाबू रामनारायण सिंह : उपाध्याय महोदय, मैं एक बात पूछना चाहता हूँ कि जब यहाँ कोई चीज पेश होती है तो उस विषय पर बिना सब चीजें जाने मंत्री महोदय क्यों पेश करते हैं। जभी कोई बात यहाँ पेश होती है तो यह कहा जाता

है कि उन को पूरी खबर नहीं है और जब वह खबर पायेंगे तो उसे सभा में पेश करेंगे।

[Babu Ramnarayan Singh (Bihar): May I ask, Sir, how is it that an hon. Minister moves a motion without having obtained full information. It is seen that when any information is asked for the hon. Minister replies that he has not got the required information and that he would place it before the House when it is obtained.]

Mr. Deputy-Speaker: यह सब खबर समझाने के बाद खत्म होगा, उस के पहले नहीं।

[These demands will be voted only when the required information has been given.]

I will not put these demands, Demands No. 11 and 21, because the hon. Minister wants some more time to look into the points that have been raised. Demand No. 15 has already been put to the House and carried. I will now put the other demands to the vote of the House. There are no cut motions in respect of them.

The question is:

“That the respective supplementary sum not exceeding the amount shown in the third column of the Order Paper in respect of Demands Nos. 1—10, 12—14, 16—20 and 22—26 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of the corresponding heads of Demands entered in the second column thereof.”

The motion was adopted.

[As directed by Mr. Deputy-Speaker the motions for Demands for Supplementary Grants which were adopted by the House are reproduced below—Ed. of P.P.]

DEMAND NO. 1—LAND REVENUE

“That a supplementary sum not exceeding Rs. 1,38,120 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952 in respect of ‘Land Revenue’.”

DEMAND NO. 2—STATE EXCISE DUTIES

"That a supplementary sum not exceeding Rs. 13,060 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'State Excise Duties'."

DEMAND NO. 3—STAMPS

"That a supplementary sum not exceeding Rs. 12,680 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Stamps'."

**DEMAND NO. 4—CHARGES ON ACCOUNT OF
MOTOR VEHICLES ACT AND OTHER
TAXES AND DUTIES**

"That a supplementary sum not exceeding Rs. 17,350 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Charges on account of Motor Vehicles Act and other Taxes and Duties'."

**DEMAND NO. 5—IRRIGATION WORKING
EXPENSES AND IRRIGATION EXPENDITURE
FINANCED FROM ORDINARY
REVENUE**

"That a supplementary sum not exceeding Rs. 11,30,320 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Irrigation Working Expenses and Irrigation Expenditure Financed from Ordinary Revenues'."

**DEMAND NO. 6—CONSTRUCTION OF
IRRIGATION WORKS FINANCED
FROM ORDINARY REVENUES**

"That a supplementary sum not exceeding Rs. 54,200 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Construction of Irrigation Works Financed from Ordinary Revenues'."

DEMAND NO. 7—POLICE

"That a supplementary sum not exceeding Rs. 4,90,500 be granted to the President out of the Consolidated Fund of the State of Punjab to defray

the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Police'."

DEMAND NO. 8—VETERINARY

"That a supplementary sum not exceeding Rs. 1,20,910 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Veterinary'."

DEMAND NO. 9—CIVIL WORKS

"That a supplementary sum not exceeding Rs. 10 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Civil Works'."

**DEMAND NO. 10—CHARGES ON PUBLIC
WORKS DEPARTMENT, BUILDINGS
AND ROADS ESTABLISHMENT**

"That a supplementary sum not exceeding Rs. 43,900 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Charges on Public Works Department, Buildings and Roads Establishment'."

**DEMAND NO. 12—CHARGES ON
ELECTRICITY ESTABLISHMENT
AND MISCELLANEOUS
EXPENDITURE**

"That a supplementary sum not exceeding Rs. 84,500 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Charges on Electricity Establishment and Miscellaneous Expenditure'."

DEMAND NO. 13—FAMINE

"That a supplementary sum not exceeding Rs. 2,34,540 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Famine'."

**DEMAND NO. 14—SUPERANNUATION
ALLOWANCES AND PENSIONS**

"That a supplementary sum not exceeding Rs. 9,12,490 be granted to the President out of the Consolidated

Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Superannuation Allowances and Pensions'."

DEMAND NO. 16—ADVANCES NOT BEARING INTEREST—ADVANCES REPAYABLE

"That a supplementary sum not exceeding Rs. 1,14,900 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Advances not bearing interest—Advances Repayable'."

DEMAND NO. 17—CONSTRUCTION OF IRRIGATION WORKS

"That a supplementary sum not exceeding Rs. 6,54,500 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Construction of Irrigation Works'."

DEMAND NO. 18—PAYMENTS OF COMMUTED VALUE OF PENSIONS

"That a supplementary sum not exceeding Rs. 1,33,510 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Payments of commuted Value of Pensions'."

DEMAND NO. 19—GENERAL ADMINISTRATION

"That a supplementary sum not exceeding Rs. 10 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of "General Administration'."

DEMAND NO. 20—MISCELLANEOUS DEPARTMENTS

"That a supplementary sum not exceeding Rs. 10 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Miscellaneous Departments'."

DEMAND NO. 22—MEDICAL AND PUBLIC HEALTH

"That a supplementary sum not exceeding Rs. 10 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Medical and Public Health'."

DEMAND NO. 23—AGRICULTURE

"That a supplementary sum not exceeding Rs. 10 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Agriculture'."

DEMAND NO. 24—CAPITAL OUTLAY ON INDUSTRIAL DEVELOPMENT

"That a supplementary sum not exceeding Rs. 10 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Capital Outlay on Industrial Development'."

DEMAND NO. 25—CAPITAL ACCOUNT OF CIVIL WORKS OUTLAY THE REVENUE ACCOUNT

"That a supplementary sum not exceeding Rs. 10 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Capital Account of Civil Works Outside the Revenue Account'."

DEMAND NO. 26—CAPITAL OUTLAY ON ELECTRICITY SCHEMES (OUTSIDE THE REVENUE ACCOUNT)

"That a supplementary sum not exceeding Rs. 1,33,510 be granted to the President out of the Consolidated Fund of the State of Punjab to defray the charges which will come in course of payment during the year ending the 31st day of March, 1952, in respect of 'Capital Outlay on Electricity Schemes (outside the Revenue Account)'."

MINES BILL—concl'd.

Mr. Deputy-Speaker: Now, further consideration of the Bill to amend and consolidate the law relating to the regulation of labour and safety in mines, as reported by the Select Committee.

Clauses 2 to 15 have been disposed of

The Minister of Labour (Shri Jagjivan Ram): There is no amendment to clauses 16 to 20.

Clauses 16 to 20 were added to the Bill.

Clause 21.—(Medical Appliances)

Shri A. C. Guha (West Bengal): If you will kindly permit me, Sir, and if the hon. Minister has no objection, I would like to change the wording of the amendment standing in my name. Instead of the present wording, I would like to make it thus:

In sub-clause (3), add the following at the end:

“and in other mines such first aid facilities as may be prescribed”.

The present provision is that only in mines where more than 500 persons are employed, ambulances, stretchers etc. be provided. It has been pointed out to me that smaller mines may not provide all these things. Provision has to be made for such facilities in the smaller mines also. I think the hon. Minister will accept this amendment and I hope you will kindly permit me to change the amendment as suggested by me.

Shri Jagjivan Ram: I am accepting the amendment.

Mr. Deputy-Speaker: The hon. Member may kindly move the amendment.

Shri A. C. Guha: I beg to move:

In sub-clause (3), add the following at the end:

“and in other mines such first aid facilities as may be prescribed”.

Shri Jagjivan Ram: One minute, Sir. I have to point out that this provision is already there in clause 21 (1).

Shri Venkataraman (Madras): Clause 21(1) mentions all these first aid facilities.

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Mr. Deputy-Speaker: I think this amendment is not necessary.

The question is:

“That clause 21 stand part of the Bill”.

The motion was adopted.

Clause 21 was added to the Bill.

Clause 22 was added to the Bill.

Clause 23.—(Notice to be given of accidents)

Amendment made:

For sub-clause (1), substitute the following:

“(1) Where there occurs in or about a mine

(a) an accident causing loss of life or serious bodily injury, or

(b) an accidental explosion, ignition, spontaneous heating, out-break of fire or irruption of water, or

(c) an accidental breakage of ropes, chains or other gear by which men are lowered or raised, or

(d) an accidental overwinding of cages, while men are being lowered or raised, or

(e) a premature collapse of any part of the workings,

the owner, agent or manager of the mine shall give notice of the occurrence to such authority, in such form and within such time as may be prescribed, and he shall simultaneously post one copy of the notice on a special notice board in the prescribed manner at a place where it may be inspected by trade union officials and shall ensure that the notice is kept on the board for not less than two months from the date of such posting.”

—[Shri Jagjivan Ram]

Mr. Deputy-Speaker: The question is:

“That clause 23, as amended, stand part of the Bill.”

The motion was adopted.

Clause 23, as amended, was added to the Bill.

Clauses 24 to 39 were added to the Bill.

Clause 40.—(Employment of adolescents)

Amendment made:

Renumber clause 40 as sub-clause (1) of that clause and—

(a) in sub-clause (1) as so renumbered—

(i) omit "and" at the end of item (a), and

(ii) after item (b) insert the following new item:

"(c) the adolescent has an interval for rest of at least half an hour after every four and a half hours of continuous work on any day";

(b) after sub-clause (1) as so renumbered, insert the following new sub-clause:

"(2) Notwithstanding anything contained in this Act, no adolescent who has been granted a certificate under sub-section (1) shall be employed in any mine except between the hours of 6 A.M. and 6 P.M. :

Provided that the Central Government may, by notification in the Official Gazette, vary the hours of employment of such adolescent in respect of any mine or class of mines so however that no employment of any such adolescent between the hours of 10 A.M. and 5 P.M. is permitted thereby."

—[Shri Jagjivan Ram]

Mr. Deputy-Speaker: The question is:

"That clause 40, as amended, stand part of the Bill".

The motion was adopted.

Clause 40, as amended, was added to the Bill.

Clauses 41 to 43 were added to the Bill.

Clause 44.—(Working hours for adolescents not certified to be fit for work as adults.)

Amendment made:

In part (b) of sub-clause (1), for "7" substitute "6".

—[Shri Jagjivan Ram]

Mr. Deputy-Speaker: The question is:

"That clause 44, as amended, stand part of the Bill."

The motion was adopted.

Clause 44, as amended, was added to the Bill.

Clause 45 was added to the Bill.

Clause 46.—(Employment of women)

Amendment made:

(i) In sub-clause (1) omit the figure and brackets "(1)", and

(ii) omit sub-clause (2).

—[Shri Jagjivan Ram]

Mr. Deputy-Speaker: The question is:

"That clause 46, as amended, stand part of the Bill."

The motion was adopted.

Clause 46, as amended, was added to the Bill.

Clauses 47 to 56 were added to the Bill.

Clause 57.—(Power of Central Government to make regulations)

Amendment made:

For part (c) substitute the following:

"(c) for prescribing the duties of owners, agents and managers of mines and of persons acting under them, and for prescribing the qualifications of managers of mines and of persons acting under them."

[Shri Jagjivan Ram]

Shri A. C. Guha: Sir, I too have an amendment to this clause. I beg to move:

After part (z), add the following new part:

"(zz) any other matter which has to be or may be prescribed."

I gave notice of this amendment only to-day, but I understand that the hon. Minister is agreeable to accepting it. The list given need not be exhaustive and my amendment says that any other matter also may be brought in. In other enactments also some such room is left, instead of making the list exhaustive and I am only making a similar provision here also.

Mr. Deputy-Speaker: What is the reaction of the hon. Minister?

Shri Jagjivan Ram: Though not necessary this is harmless and I am accepting the amendment.

Mr. Deputy-Speaker: The question is:

After part (z) add the following new part:

"(zz) any other matter which has to be or may be prescribed."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 57, as amended stand part of the Bill."

The motion was adopted.

Clause 57, as amended, was added to the Bill.

Clause 58.—(Power of Central Government to make rules)

Shri A. C. Guha: Sir, I have an amendment to this clause also just like the one I moved to clause 57, adding a part "any other matter which has to be or may be prescribed."

Amendments made:

(1) In part (d)—

(i) For "wherein any women are ordinarily employed", substitute "wherein any women are employed or were employed on any day of the preceding twelve months";

(ii) omit "ordinarily" where it occurs for the second time; and

(iii) for "and the nature and extent of the supervision to be provided therein", substitute "and the nature and extent of the amenities to be provided and the supervision to be exercised therein".

(2) In part (q), add the following at the end:

"and for prescribing the qualifications and the terms and conditions of, and the duties to be performed by, such welfare officers."

—[*Shri Jagjivan Ram*]

Shri A. C. Guha: Sir, may I move my amendment?

Mr. Deputy-Speaker: But I have not even a copy of it here with me.

Shri A. C. Guha: Sir, I gave notice of it also to-day along with the amendment to clause 57.

The Minister of State for Transport and Railways (Shri Santhanam): But is not part (w) the same as what the hon. Member seeks?

Shri Jagjivan Ram: Yes, I think part (w) will cover what the hon. Member has in view.

Shri A. C. Guha: Yes, Sir, part (w) covers it. I do not move my amendment.

Mr. Deputy-Speaker: The question is:

"That clause 58, as amended, stand part of the Bill."

The motion was adopted.

Clause 58, as amended, was added to the Bill.

Clause 59.—(Prior publication of regulation and rules)

Shri A. C. Guha: I beg to move:

After sub-clause (6), add the following new sub-clause:

"(7) The regulations and rules made under sections 57 and 58 shall be laid before Parliament for not less than seven days as soon as may be after they are made."

I may add that there is a similar provision in other pieces of legislation, for instance in the Development of Industries Bill and also in the Coal mines Safety Ordinance. Therefore I submit that a similar provision should be made in this enactment also so that the rules and regulations made may be laid before the House.

Shri Jagjivan Ram: If it is the intention that the rules after they have been finalised should be placed before the House, I have no objection.

Shri Venkataraman: Sir, I do not quite understand what the hon. Member Shri Guha means when he said that the rules shall be on the Table of the House for seven days. Does it mean that only after seven days will these rules become final? If that is not the intention, we need only say that after the rules are framed, they shall be placed on the Table of the House, without prescribing any time limit. If any such time limit of seven days or any other time is laid down, then it will mean that the rules will become finalised only after the lapse of that period.

Shri A. C. Guha: No, Sir. It is not my intention to delay the finalising of the rules by any such time-limit. I only desire that these rules when finalised, should be placed on the Table

[Shri A. C. Guha]

of the House. I had taken this wording from similar provisions in other enactments, but I am prepared to modify the amendment by dropping the seven days' period.

Mr. Deputy-Speaker: The words "for not less than seven days" will be omitted.

Shri Jagjivan Ram: How does it finally read?

Mr. Deputy-Speaker: The question is:

After sub-clause (6), add the following new sub-clause:

"(7) The regulations and rules made under sections 57 and 58 shall be laid before Parliament as soon as may be after they are made."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 59, as amended, stand part of the Bill."

The motion was adopted.

Clause 59, as amended, was added to the Bill.

Clauses 60 to 88 were added to the Bill.

Clause 1.—(Short title, extent and commencement)

Shri Jagjivan Ram: I beg to move:

In sub-clause (1), for "1950" substitute "1952".

Mr. Deputy-Speaker: The question is:

In sub-clause (1), for "1950" substitute "1952".

The motion was adopted.

Shri A. C. Guha: I beg to move:

In sub-clause (3), add the following at the end:

"but not later than 31st December 1953."

Here in the Bill, no time limit has been given. Our experience is that we passed legislations here, but those legislations were not implemented for years. So, I would like to put a time limit, i.e. up to the 31st December 1953 for the Central or the State Governments to implement this legislation. I think the hon. Minister will accept this amendment.

Shri Jagjivan Ram: The intention is to enforce it even earlier.

Mr. Deputy-Speaker: The question is:

In sub-clause (3), add the following at the end:

"but not later than 31st December 1953."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

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

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

Shri Jagjivan Ram: I beg to move:

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

Shri A. C. Guha: Sir, I commend this piece of legislation to this House for acceptance and I congratulate the hon. Minister of Labour that he has at last been able to salvage it practically from the lumber room, where it could have been lost for ever. Anyhow I had some suggestions to be made in this connection, but as the time was short and as I felt that the hon. Minister would not be agreeable to accepting these suggestions, I did not press them. I would like to mention, however, that with regard to the figure of 500 labourers to be employed in any mine where there should be arrangement for stretchers and ambulances. I think that figure should have been much lower. As far as possible, there should be arrangements for ambulances and stretchers in all mines, but it was pointed out that it might work very hard in the case of the smaller mines, and so I had to drop it. Still I would like the hon. Minister to consider this matter at an early date and to persuade the mine-owners to make arrangements for ambulances, at least for stretchers, because in mines accidents are not a rare thing. Accidents are more common there than in factories and workshops. So, I hope that arrangements for stretchers at least will be enforced in the provision for first-aid facilities.

Then, as regards creches and welfare officers also, I hope the hon. Minister will enforce the provisions even where there are 50 women workers. These facilities should be provided for a smaller number of workers. These

things are definitely provided for in the Factories Act and also in the Plantation Labour Act. Here also these things should be enforced. Government should not neglect to make the necessary rules and regulations regarding these two important matters so that these provisions may be implemented at an early date. With these few words, I would commend this Bill to the House for its acceptance and I hope Government will take early steps to implement this Bill. Our past experience is that labour legislations are passed here but not implemented for years. Our Ministers, who are our rulers, should realise that the Indian masses are not so many asses that they should merely dangle a carrot before their eyes and they will remain contented. The masses should feel satisfied. If the Minimum Wages Bill had been implemented earlier, I think the election results would have been much better for the Congress party, for the Government party. This Bill should not be kept waiting till 1953. The hon. Minister has given the assurance that this will be implemented much earlier. I hope he will do it as early as possible.

[SHRIMATI DURGABAI in the Chair]

बाबू रामनारायण सिंह : सभानेत्री महोदया

Mr. Chairman: If the hon. member co-operates, we can finish the Bill by one o'clock.

बाबू रामनारायण सिंह : जी हां, बहुत नहीं थोड़ा ही बोलना है। जब जब यहां पर मजदूरों के सम्बन्ध में कोई विधेयक दाखिल होता है मुझे बड़ी खुशी होती है। एक बार तो मैं ने जगजीवन राम जी को बहुत बहुत बघाई दी थी और मैं ने बड़ा हर्ष प्रकट किया था। सभानेत्री महोदया, मैं इस संसद् में बहुत दिनों से सदस्य हूँ।

श्री नजीदद्दीन अहमद : कितने दिन हो गये ?

बाबू रामनारायण सिंह : सन् १९२६-२७ से हूँ। यहां पर अंग्रेजी राज्य के समय में और मेरे मित्र कांग्रेस वालों के समय में भी जितने कानून पास हुए हैं उन कानूनों को अंगर कहीं एक जगह जमा किया जाय तो एक छोटा सा पहाड़ भी बन सकता है, और मज-

दूरों की हालत पर कभी कभी इतने आंसू बरसाये गये हैं कि ऐसा मालूम हुआ कि इस संसद् में बाढ़ आ जाय तो कोई ताज्जुब नहीं। तो देखने में तो कितनी चीजें होती हैं। मजदूरों के लिए क्रायज में तो काम बहुत हुआ। उन के लिए आंसू भी बहुत बरसाये गये। लेकिन जब मैं उन स्थानों पर जाता हूँ जहां पर मजदूर हैं, जहां पर मजदूर काम करते हैं, तो वहां पर देखता हूँ कि उन की हालत ज्यों की त्यों है। मैं भाई जगजीवन राम जी को कह देता हूँ और उन के मार्फत सरकार को कह देता हूँ कि सरकार जो यह मजदूरों के सम्बन्ध में बेचारी तरीके से कदम उठाती है इस को बन्द करना होगा। सरकार को यह नीति बदलनी होगी। अभी हमारे गुहा साहब ने कहा रूलर (ruler) और क्या नाम कहा, शासक, मिनिस्टर (ministers) और रूलर्स। मैं कहता हूँ कि सरकार को अब मान लेना चाहिये, अब उस को अकल हो जानी चाहिये कि अपने को रूलर न माने, उस को मानना होगा कि वह देश के शासक नहीं हैं।

श्री नजीदद्दीन अहमद : शोषक।

बाबू रामनारायण सिंह : शोषक होने का दावा तो अब दूर करना ही होगा। वह दूर नहीं करेंगे तो सारा मजदूर संसार मिल जुल कर लेगा। इस में तो डेर होने का सवाल नहीं है। लेकिन, जैसा मैं ने कहा, मजदूरों के लिए धिसलाने को तो बहुत कुछ काम किया जाता है, किन्तु वास्तव में कुछ नहीं किया जाता है। लेबर वेलफेयर डिपार्टमेंट (Labour Welfare Department) खुला। मैं कई जगह कई बार गया कि वहां पर वेलफेयर डिपार्टमेंट की तरफ से क्या होता है। तो सुना कि यहां पर एक अस्पताल खुल गया है। जब पूछा कि इस का हैड आफिस (Head Office) कहाँ है तो सुना कि शरिया है। जब मालूम किया कि

[बाबू रामनारायण सिंह]

वहां पर क्या हो रहा है तो सुना कि वहां पर तो अफसरों के लिए मकान बन रहे हैं। मैं पूछता हूँ कि यह क्या काम करने का तरीका है। इस में कोई शक नहीं है कि सारे संसार में और इस देश में भी कमाने वाले हमारे मजदूर लोग हैं और अब सरकार को यह जानना चाहिये कि वह मजदूरों को मजदूर कह कर न माने, वह अब मजदूरों को मालिक माने, अन्नदाता माने, भोजन दाता माने, रुपया दाता माने, जो कुछ माने मजदूरों को माने और अपने को मजदूरों का सेवक माने। यह जो अब तक लोगों के दिमाग में भरा हुआ है कि वह शासक हैं, यह बात तो दिमाग से उठा देना चाहिये, नहीं उठावेंगे तो उठाई जायगी, तो यह मालूम होना चाहिये कि अब उन को सीधे सीधे जो काम करना हो वह ईमानदारी से करें और ऐसे काम करें जिस से सचमुच वे लाभ उठावें।

जो यह बिल आज कानून के रूप में पास हो रहा है यह विधेयक सन् १९४७ में यहाँ पेश हुआ था। इस के लिए सिलेक्ट कमेटी (Select Committee) सन् १९५० में बैठी और १९५० के बाद आज १९५२ में फ़रवरी के महीने में यह विधेयक संसद् में पेश होता है। और इतना ही नहीं, आज भी देख लीजिये कि कल कुछ देर तक यह विधेयक चला, आज सरकार के जो और और काम थे वह सब काम हो गये १२ बजे तक, तो फिर १२ बजे सरकार को और संसद् को फ़ुरसत मिली तब यह लेबर बिल पेश हुआ। यह क्या तरीका है कि जब सब काम से फ़ुरसत मिले सब इस बिल के सम्बन्ध में ध्यान दिया जाय। इस तरह से तो मैं उम्मीद करता हूँ कि हमारे भाई गृहा साहब ने जो यह कहा कि इस को व्यवहार में जल्दी लाना चाहिये वो ठीक ही कहा। मैं उम्मीद करता हूँ कि

यह बिल व्यवहार में जल्दी ही आवेगा। लेकिन साथ ही साथ इस का कार्यक्रम क्या रहा है कि सन् १९४७ में यह पेश हुआ, सन् १९५० में सिलेक्ट कमेटी बैठी और सन् १९५२ में यह पास हो रहा है। तो हो सकता है कि इस हिसाब से सन् १९६० में यह अगर व्यवहार में आ जाय तो बड़ी खुशी की बात होगी।

सभापति महोदय: और कोई नया प्वाइंट (point) है ?

बाबू रामनारायण सिंह: यह बिल्कुल नयी बात है कि सरकार किस तरह से मूसों की क्रदम से चल रही है। मजदूरों के हित के सम्बन्ध में यह तो बिल्कुल नयी बात है। इस के लिये तो आप को भी अफ़सोस होना चाहिये, सारे देश को अफ़सोस होना चाहिये और मुझे भी अफ़सोस होता है।

सभापति महोदय: कोई नयी बात कहिये। मेरी समझ में आप तो यही प्वाइंट कह रहे हैं और इसी बात पर आप दस मिनट से बोल रहे हैं।

बाबू रामनारायण सिंह: दस मिनट से ज्यादा तो नहीं हुआ। अब मैं ख़त्म करता हूँ, अब मुझे ज्यादा नहीं बोलना है। मैं इतना ही कहता हूँ कि मुझे बड़ी खुशी होती कि मैं इस बिल के लिए सहर्ष बधाई देता, धन्यवाद देता। लेकिन अपने पुराने अनुभव की वजह से मैं यह नहीं कह सकता। किन्तु मैं किसी तरह से हिचक के साथ उन को बधाई देता हूँ और आगाह करता हूँ कि इस को आप जल्दी से कार्य में लाइये जिस से मजदूर भाइयों को कुछ लाभ हो और आप का भी कुछ नाम हो।

(English translation of the above speech)

Babu Ramnarayan Singh (Bihar):
Madam

Mr. Chairman: If the hon. Member co-operates, we can finish the Bill by one o'clock.

Babu Ramnarayan Singh: Of course I have to speak very little. Whenever any labour legislation is introduced here I rejoice over it. Once I had congratulated Shri Jagjivan Ram for this and expressed my pleasure too. I am a Member of this House from a very long time.

Shri Naziruddin Ahmad (West Bengal): Since how long?

Babu Ramnarayan Singh: I am here from the year 1926-27. If all the laws passed during the British and the Congress regimes were to be piled together it would be a fairly good heap of papers. Sometimes so many tears have been shed over the piteous conditions of the labourers that it seemed as if it would almost flood the whole House. In this way so many things have apparently been done. Enough paper work has been done for labourers. Even tears have been shed in sympathy for them at times. But when I go and see the places where labourers work, I find that their condition has in no way changed. I would tell Shri Jagjivan Ram and through him the Government that they shall have to stop their half-hearted approach to the labour problems. The Government will have to change this policy. Shri Guha talked of our administrators, ministers and ruler just now. I say the Government should realize now that they are no longer our rulers. They should agree with me that they are not the rulers of the country.

Shri Naziruddin Ahmad: Exploiters!

Babu Ramnarayan Singh: They would have to forego their claim of being exploiters as well. If they would not, it would be done by the labourers collectively. There is no question of its being late. However, as I said, a lot is being done to show your sympathy with the labourers, but in fact nothing practical is being done for them. A Labour Welfare Department was opened. I visited many places to see what this Welfare Department actually does. Once I was told that a hospital was opened. When I asked them where its head office was, I got the reply that it was in Jharia. When I asked what sort of work was being carried on there, I was told that residential quarters for officers were being constructed. I want to ask whether that was any method of work. There is little doubt that labourers are the real producers of wealth not only in this country but also in the rest of the world. Now is high time when the Government should be told that labourers should no longer be

considered as labourers, they should be considered as their masters, the givers of food as well as of wealth. Rather they should consider them as all in all and themselves as their servants. They should remove this idea from their minds that they are the rulers. If it is not removed it will be removed by the force of events. They should realise that they will have to do their work honestly now and will have to do such work as will really be beneficial.

This Bill, which is now going to be passed into an Act, was originally introduced here in the year 1947. It was referred to the Select Committee in the year 1950, and after that it again came up before the House in February 1952. Not only that but when all other preoccupations were finished upto 12 o'clock in the House to day, the Government had the leisure to discuss this Labour Bill. What is this method of taking up things only after the House gets sufficient leisure? Under these circumstances, I feel my friend Shri Guha has rightly expressed our sentiments when he said that this Act should be enforced at an early date. I hope it would be immediately enforced. But at the same time when I ponder over the past progress of this Bill—it was introduced in 1947, referred to a Select Committee in 1950 and is going to be passed in 1952—a feeling of frustration overtakes me and I doubt if this measure can at all be enforced even up to the year 1960.

Mr. Chairman: Any fresh point?

Babu Ramnarayan Singh: It is altogether a new thing that the Government is going at a snail's pace. This is altogether a new thing so far as labour welfare is concerned. Madam, you should be sorry over it, the country should be sorry over it and I too should be sorry over it.

Mr. Chairman: Make out some new points. I think you are repeating the same point, and have been speaking over it for the last ten minutes.

Babu Ramnarayan Singh: I suppose it is not more than ten minutes. Now I finish. I have not to say anything more. I have only to submit this much that I would have congratulated the hon. Minister and would have thanked him many a time for bringing in this measure, but I am sorry. I am reluctant to do so in view of my past experiences. However, I thank him, though not unreservedly and request him earnestly to implement this measure as soon as possible so that our brethren may benefit by it

[Babu Ramnarayan Singh]

to some extent and he too may have some credit for introducing such a Bill.

1 P.M.

(श्री जगजीवन राम) : सभानेत्री जी, मैं संसद् के सदस्यों को इस बिल के पास करने के लिए धन्यवाद देता हूँ। मैं खास कर के अपने पुराने मित्र बाबू रामनारायण सिंह को धन्यवाद देना चाहता हूँ। उन्होंने जितनी बातें कही हैं सैद्धान्तिक तौर पर उन बातों पर कभी भी दो रायें हो ही नहीं सकतीं। लेकिन मुझे एक बात का अफ़सोस है और वह यह कि उन्होंने यह कहा कि यह बिल सन् १९४७ में पेश हुआ और सन् १९५० में सिलैक्ट कमेटी (Select Committee) में गया और अब यह १९५२ में पास हो रहा है और सरकार दूरों के सम्बन्ध में मूसों की तरह, चूहों की तरह की चाल पर चल रही है।

बाबू रामनारायण सिंह : और बेगारी के तरीके पर।

श्री जगजीवन राम : शायद उन को पता नहीं है कि मजदूरों के लिए खानों में काम करने के बारे में अभी भी बहुत से क़ानून हैं और वह काम में आ रहे हैं। अब, जैसा मैं ने पहले ही बताया था कि उस बिल को जहाँ कहीं संशोधन किया जाय इस की अपेक्षा यह उचित समझा गया कि सारे बिल में परिवर्धन और संशोधन कर के एक नया बिल लाया जाय। इसलिए इस के लिए कोई बहुत ज्यादा जल्दी उस वक्त उस तरह की नहीं समझी गयी। मेरे मित्र अरुण चन्द्र गुहा ने कहा है कि इस क़ानून को जल्द से जल्द अमल में लाया जाय। मैं उन को बता देना चाहता हूँ कि क़ानून के अधिकांश अंग आज भी अमल में हैं, कुछ ही हिस्से हैं जिन को अमल में लाना होगा। उन को भी जल्दी से जल्दी, सन् '५३ तक ठहरना

नहीं है, बल्कि उस से पहले ही जहाँ तक जल्दी हो सके, काम में लाना है।

यह बात जरूर है और यह शिकायत कुछ अंश में जायज भी है कि क़ानून के पास होने में और उस के अमल में लाने में थोड़े समय का अन्तर पड़ता ही है और इस के लिए अगर सिर्फ़ सरकार को ही कसूरवार बताया जाय तो मुझे कहना पड़ेगा कि बाबू राम नारायण सिंह को समाज की प्रगति का पूरा पूरा ज्ञान नहीं है। क़ानून अमल में कहां तक आवे वह इस बात पर निर्भर भी करता है कि समाज में और जिस वर्ग के लिए क़ानून बनाया जाता है उस के अन्दर कितनी जागृति है। केवल पार्लियामेंट (Parliament) में सरकार की समालोचना करने के बजाय अगर मेरे दोस्त उस इलाक़े में जहाँ श्रमिकों की तकलीफ़ को देख कर आंसू बहाते हैं और शायद वह आंसू इतने बहाते हैं कि वहां पर बाढ़ आ जाती हो जिस में श्रमिक बह जायं, अगर उन के अन्दर थोड़ी जागृति लाने की वह कोशिश करें तो इस से इन मजदूरों की ज्यादा भलाई होगी। मैं आशा करता हूँ मेरी बातों को वह किसी रूप में नहीं लेंगे।

बाबू रामनारायण सिंह : नहीं, नहीं।

श्री जगजीवन राम : बल्कि उसी रूप में लेंगे जिस रूप में मैं उन से अर्ज कर रहा हूँ। मैं जानता हूँ कि उन के अन्दर जो काम करने की शक्ति है अगर उस का थोड़ा सा अंश भी उस इलाक़े के श्रमिकों के संगठन और जागृति के लिए लगायें तो शायद हमारा काम भी कुछ आसान हो जाय और मुझे खुशी होगी कि जो क़ानून यहां पर बने उस को जल्दी से जल्दी अमली रूप में ला सकें। इस में दो राय नहीं हो सकती कि उस को अमली रूप में लाने के लिए सिर्फ़ सर-

कारी अफसरों पर ही निर्भर नहीं रहना चाहिये, बल्कि उस वर्ग में भी चेतना लानी है जिस के अन्दर कानून से काम लेना होता है। तभी यह कानून सफल हो सकते हैं।

इन शब्दों के साथ मैं एक दफ्ता फिर संसद के सदस्यों को धन्यवाद देता हूँ और आशा करता हूँ कि यह बिल कानून के रूप में पास किया जायगा।

(English translation of the above speech)

Shri Jagjivan Ram: I thank all the hon. Members of this House for getting this Bill passed. Especially my thanks are due to my old friend Babu Ramnarayan Singh. Whatever he has said, there cannot be two opinions about that in principle. But I am sorry over his words when he said that this Bill was introduced in the year 1947, was referred to the Select Committee in the year 1950 and was being passed now in the year 1952; further adding that the Government was going at a snail's pace with regard to labour legislation.

Babu Ramnarayan Singh: And also half-heartedly.

Shri Jagjivan Ram: Perhaps he is not aware of the fact that many laws have already been passed for improving the condition of the mines' labour and those laws are in force at present. As I stated before, it was thought that it would be better to introduce a new Bill after making the necessary additions and amendments in the old one rather than making amendments here and there in it. At the same time it was thought that this should not be done hurriedly. My friend Shri Arun Chandra Guha has said that this measure should be enforced as soon as possible. I would like to inform him that some of the provisions of this Act are already in force, and there are others which are still to be applied. Those provisions too would be made applicable as soon as possible, before the year 1953 sets in.

The complaint that there is a time lag between the passage of a Bill and its actual application is correct and to some extent legitimate too; and if the Government alone are to be blamed for this delay, then I am sorry I would have to say that Babu Ramnarayan Singh has not a complete knowledge of the society and its progress.

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How far a law can be applied depends on how far that particular section of the society to which that law applies, is progressive. If my hon. friend instead of criticising the Government in Parliament were to visit the labour areas—whose plight causes him to shed tears so much so that the labourers might be swept by those tears,—and try to bring some awakening among them, I think he would be doing greater good to them. I hope he would not take my words amiss.

Babu Ramnarayan Singh: No, no.

Shri Jagjivan Ram: He would take this in the same spirit in which I am speaking. I know if he will use only a part of his organising skill in that area and bring some awakening among the labourers, perhaps our work would become much easier and we would be happy to implement those measures that we pass here as soon as possible. There cannot be two opinions about this that its implementation should not rest with the Government officials alone, on the other hand we would have to bring awakening in that class as well for which that particular law is promulgated. These laws can prove helpful in that way alone.

With these words I once again thank the Members of Parliament and hope that this Bill would be passed into a law.

Mr. Chairman: The question is:

“That the Bill, as amended, be passed.”

The motion was adopted.

The House then adjourned for Lunch till Thirty-five Minutes Past Two of the Clock.

The House re-assembled after Lunch at Thirty-five Minutes Past Two of the Clock.

[MR. SPEAKER in the Chair]

ABDUCTED PERSONS (RECOVERY AND RESTORATION) AMENDMENT BILL.

The Minister of States, Transport and Railways (Shri Gopaldaswami): I beg to move:

“That the Bill to amend the Abducted Persons (Recovery and Restoration) Act, 1949, be taken into consideration.”

This is a very simple Bill. The Act of 1949 limited the tenure of its operation up to 31st October, 1951. Before we could bring in a Bill into Parliament for the purpose of extending

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the time, Parliament had adjourned and it became necessary for us to issue an Ordinance and in that Ordinance we provided that the life of the Act be extended for one year, that is to say till 31st October, 1952.

I do not think I need refer to the contents of the Act. The work under that Act is continuing and there is still more work to be done and it is necessary that this Act should be kept in force if that work is to be done properly. As hon. Members know, we have got a fairly ramified organisation attending to this work in the different States mentioned in the Bill and during the current financial year we have some figures as to the amount of work that has been done. From April, 1951 to the end of January, 1952, 1703 recoveries were made in India against which there were 629 recoveries made in Pakistan. The Pakistan recoveries have been slowing down somewhat, after a spurt up in October and November, during the last two months. That is due to the conditions which have been developing in Pakistan. But we have recently had some evidence that this work is being resumed with earnestness there, and both in West Punjab and even in Karachi local organisations set up for this purpose are showing greater activity. According to our own organisation, we have still a lot more work to be done in India and as hon. Members know there are still large numbers of recoveries which could be made in Pakistan if we could speed up the pace of the work there. It is therefore considered by Government that an extension of the life of the Act at least up to 31st October, 1952 should be made. Meanwhile we will watch the progress of the work and if it is necessary to further extend the life of this enactment the new Parliament will deal with the whole thing.

I do not think I need say any more at this stage. The amendment proposed is a simple one of extending the life of this enactment up to 31st October, 1952.

Mr. Speaker: Motion moved:

"That the Bill to amend the Abducted Persons (Recovery and Restoration) Act, 1949, be taken into consideration."

Shri J. R. Kapoor (Uttar Pradesh): I extend to this Bill my wholehearted support and I congratulate the Government on the great humanitarian consideration which has actuated it in bringing forward this measure and also for setting before the country a

very high ethical standard. For what work could be considered to be of greater humanitarian utility than the work of restoring abducted children to the lap of weeping parents and restoring abducted sisters to loving brothers and abducted wives to pining husbands? Of all the crimes and sins that had been committed during the horrible days that followed the ill-fated partition of the country in 1947 I think no greater sin and no greater crime was perhaps committed than the one relating to the abduction of innocent children and women, and it must be considered by every one of us to be our sacred duty to restore abducted persons to their original families irrespective of the period of abduction. Therefore I think it is very necessary and desirable, and in the interest of humanity itself, that the period of this existing legislation must be extended. I would even have wished that this period had been further extended by another year for there should be no time-limit to the good work that must be done. On this occasion we must give due credit to the devoted band of workers who have rendered yeoman service and above all to our sister Shrimati Mridula Sarabhai, whose services in this direction have been so very conspicuous.

There are, however, one or two things to which I would like to draw the attention of the hon. Minister. One of them is that Uttar Pradesh seems to me to have been unnecessarily dragged in within the purview of this Bill, because in the chart which has been supplied to us by the Government I find that during the period commencing from the 1st January, 1951 right up to this date there has not been a single case of any abducted person having been recovered in Uttar Pradesh. Not only that, even in 1950 there were only two cases. Thus, it does not appear to me to be necessary at all to tarnish the fair name of Uttar Pradesh by bringing it within the scope of this Bill, for obviously if it is included it will lead to the inference that there are many persons in Uttar Pradesh who have been guilty of this sin and crime, for which reason it is necessary to extend the provisions of this Bill to Uttar Pradesh. I hope the hon. Minister would seriously consider my request.

Then I want to know why this Bill has not been extended to the State of Jammu and Kashmir. I find from this same chart that during every period which has been mentioned there quite a large number of persons

have been rescued from this State. As many as ten persons have been recovered during the month of January, 1952. I do not know therefore why it did not strike the Government to extend the scope of this Bill to Jammu and Kashmir. I know that legislation in respect of this State can only be enacted here in relation to three subjects, but I should have thought that so far as the recovery of abducted persons is concerned, it is a matter which comes within the purview of foreign relations, especially because all such legislation is being enacted in accordance with agreements arrived at between the Union of India and Pakistan. I would, therefore, submit that this Act should be extended to Jammu and Kashmir, and there would not be anything unconstitutional in it. Even if my request is not conceded, I would like to know what is the procedure which is being adopted in the State of Jammu and Kashmir in this respect. How are abducted persons there being recovered, and what is the procedure that is adopted for sending these rescued persons over to Pakistan? I would seek enlightenment in these two respects.

Lastly, I should like to be told clearly what exactly is the position in Pakistan at present. Is there any legislation still in operation there which covers this subject? I would also like to know whether the several districts which were said to be closed districts and where none of our social workers could go formerly have now been declared open districts and whether our social workers can now go into those districts to assist in the recovery of abducted persons. If it is not so, may I know what steps Government are going to take to see that our abducted non-Muslims from these closed areas are recovered. I do submit that it is time that we insist on the Pakistan Government allowing our social workers to go into those closed areas with necessary facilities and trace out the large number of non-Muslim abducted persons who are said to be detained there. From the chart which has been given to us it is obvious that the attitude of Pakistan has not been as it should be, and up to now only 7934 persons have been recovered in West Pakistan and Jammu and Kashmir. I suppose by Jammu and Kashmir Government we mean that portion of Jammu and Kashmir which is under the control of Pakistan. During this very same period, we have to our credit the recovery of no less than 16,000 persons. I do not grudge it. As I said, it is a humanitarian task and we must go on

carrying on this sacred duty in spite of the attitude of Pakistan. But apart from that, I think we must insist upon Pakistan speeding up its procedure and giving our social workers all necessary facilities to go there and trace out abducted persons.

This is all I have to submit, and in the end I once again congratulate the Government on the humanitarian motives that have influenced its bringing forward this measure and the high ethical standard which it proposes to set before the country.

Shri Naziruddin Ahmad (West Bengal): I also rise to support this Bill. I admired the generous sentiments which induced Shri J. R. Kapoor to support this humanitarian measure, but I was sorry to find that his generosity was rather limited by certain geographical considerations. He seemed to be of the opinion that the existence of abducted persons in Uttar Pradesh—his own Pradesh—was so small that the Act need not be applied to that fair Pradesh. I should have thought that even if there be a single abducted person in his State, the Act should be rigorously applied to that State.

Shri J. R. Kapoor: But is there even one in U. P.?

Shri R. Velayudhan (Travancore-Cochin): Who knows?

Shri Naziruddin Ahmad: But that is not the argument. Simply because the number of recoveries is nil, it does not mean that there is no abducted person there. This argument is open to serious criticism. Speaking generally, I submit that recoveries should be effected as quickly as possible. Much time has already elapsed and the sooner the work is completed the better for all. Although the Act has to be extended, I hope that every effort will be made to complete the work as quickly as possible.

Shri A. C. Guha (West Bengal): While supporting this motion, I would like to draw the attention of the hon. Minister to the fact that abducted girls exist not only on the western side but also on the eastern side of India. Two years ago, the hon. Minister will recollect that conditions in East Bengal had their repercussions to a certain extent in West Bengal also and things were not as they should have been. I have reports of hundreds of girls having been abducted in East Bengal. I do not think the hon. Minister can assure us that all of them have been recovered. Some of them at least must have been lost in the wilderness—in chaos and disorder; and it will

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not be fair for the Government to ignore their cases altogether. About this time last year, I got a report about a girl being abducted. Although conditions in East Bengal were not very bad then, still cases of abduction were not rare in East Bengal even after the riots were over. I contacted the Ministry; I contacted the Deputy High Commissioner at Dacca and after strenuous efforts the girl was recovered from the abductors or seducers and she was sent to what is known as the Dacca Home. Conditions in that Home were far from satisfactory. Girls who were kept in that Home were accessible to the friends of the abductors or to the abductors themselves. They were very often subjected to threats and inducements. The particular girl to whom I referred expressed her wish on more than one occasion to go with her brother or some other relative. But the next day she had to recant that admission. Things went on like this for more than two or three months and at the direct intervention of the Pakistan Minister for Minorities (Dr. Malik) and our Deputy High Commissioner there, the mother of the girl was allowed to stay with her in the Dacca Home. Then only could the girl gather courage to say definitely that she would like to go with her mother. At last the girl was recovered.

The correspondence that I had with the Ministry here as well as the Deputy High Commissioner revealed that conditions in the Dacca Home require to be radically changed. Abduction is one of the most abominable offences that a man can commit and in the matter of honour of women there cannot be any question of religion or nationality. So far as the honour of so many girls on the eastern side of India is concerned, it is a matter which our Government cannot ignore. Will it not be possible for the Government, either in agreement, or in consultation with the Government of Pakistan, to make some arrangements as regards the abducted girls on the eastern side of India? In the meantime I would urge upon the hon. Minister to make an enquiry into the conditions obtaining in the Dacca Home. With these few words, I commend this motion for extending the life of this Act and I congratulate the Government on the results they have achieved. If the Government of Pakistan has failed to keep up its obligations, or has lagged behind, it is no reason why we should slacken our efforts,

Shri R. Velayudhan: May I know, Sir, how many social workers are working in the search and service organisations and what is the amount Government have spent on this for the last one year?

Shri Gopaldaswami: The total expenditure on the recovery activities during 1951-52 is estimated to be nine lakhs, and thirty-six thousand rupees.

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Babu Ramnarayan Singh (Bihar): I welcome this measure and thank the Government for having brought it forward. I would however like to be enlightened on one or two matters. I would like to know what is the number of abducted persons still to be recovered in this country; whether there is any record maintained regarding this and whether there is any record regarding the abducted persons to be recovered from the Pakistan area.

Besides, I think I heard in this very House that in the Pakistan area there are abducted persons in the custody of high Government officials themselves? Has anything been done to recover these persons? Have we got any machinery of our own in Pakistan to recover persons abducted from our country? I shall be grateful if the hon. Minister could throw some light on these points.

Shri R. Velayudhan: The second part of my question—as to how many social workers are working in the search and service organisations—has not been answered.

Shri Gopaldaswami: I am afraid I am not in a position to give the exact number of social workers. I have given the expenditure incurred on this organisation during the current year. If the hon. Member wishes me to furnish him with that information, I shall ascertain it and let him know.

I am very grateful for the unanimous reception that this Bill has had at the hands of the House. It is work of a character which must appeal to the highest ethical considerations and I am glad that hon. Members would like the Government to continue this work so long as it is necessary. At present I am only asking for the extension of the Act up to 31st October, 1952. I note that my hon. friend Mr. Kapoor would have liked the period of extension to have been longer or even indefinite. Well I dare say when the new Parliament considers this Bill, it will take that view into consideration.

Now a number of points have been raised to which I think I should give an answer. First of all, my hon. friend Mr. Kapoor thought that by including Uttar Pradesh in this legislation we would be branding that particular State with some status of inferiority. I do not know if that should be the way to look at these things. As a matter of fact, it will be seen from this statement that one of the States from which recoveries have been made is Uttar Pradesh. The figure given here is 17, but I gather that it is a typing mistake for 7. In 1950 there were two recoveries from that State.

Shri J. R. Kapoor: It was for Delhi and neighbouring States.

Shri Gopaldaswami: We do not, as a matter of fact, know when recovery may become necessary in Uttar Pradesh. We cannot leave it out of the Act altogether. If it draws a blank, it is all to the credit of Uttar Pradesh. But that is not a reason for dropping it from this. If it becomes necessary to take steps under the Act in Uttar Pradesh in respect of any particular cases in the future we must have the powers to do so.

Then there was a question asked by the same hon. Member as regards Kashmir. As a matter of fact, the Kashmir Government, on account of the obstacles in regard to enactment of Central legislation which exist at the present moment, has got an Act of its own more or less on the lines of our Act, and action is taken under that Act for making recoveries. But we negotiate the procedure even on behalf of the Jammu and Kashmir Government with the Pakistan Government.

My hon. friend Mr. Guha referred to East Bengal.

Shri J. R. Kapoor: Could we be told something as to what is happening in the so-called 'closed areas' of Pakistan?

Shri Gopaldaswami: Closed areas? They are closed only to people other than social workers of either country, so that if a social worker wants to go into the closed area for the purpose of working under the provisions of this Act that permission is easily obtained on both sides.

So far as East and West Bengal are concerned we have had a long drawn out series of negotiations in which our Central Minister at Calcutta and Pakistan's Central Minister under the

Liaquat-Nehru Pact of 1950 have been trying to arrive at some arrangement. We have also been trying to take this up, and negotiations are proceeding. They have not reached a final stage. You know it is not always easy, and the need for these recoveries is not felt to be so urgent on that side as it is felt here. That is why time is wasted in more correspondence and negotiations between the two sets of officers. But it is hoped that something would result from all these negotiations and steps would be taken to put the question of recoveries on a proper basis in that area also.

Shri A. C. Guha: May I ask if there have been many cases of abduction recently in East Bengal? Has the hon. Minister received any reports?

Shri Gopaldaswami: I do not know about 'many'. I dare say some reports have been received, but the figures have not been so alarming as, in any case, they continue to be alarming on our western border.

Then my hon. friend Mr. Guha referred to the Dacca Home. We have not been very happy over that matter ourselves, and as a result of various approaches from us it has been arranged that an officer of the Ministry will soon be going to Dacca to look into the matters and report on what should be done. Something, I hope, will happen after his visit is concluded.

My hon. friend Babu Ramnarayan Singh wanted to know what the numbers are of women and children still to be recovered on either side. Well, as I have on many previous occasions explained to the House, it is not possible to give any accurate numbers. As a matter of fact, the numbers estimated both on our side and on the other side have run into several thousands and it is not possible to say whether we can rely on those figures completely. But that there are thousands still to be recovered, I think, might be taken for granted. The only evidence for the fact that there are such large numbers to be recovered is the actual number of recoveries we are making from day to day.

I think he wanted to know also about the kind of machinery that we have on the other side. We have got a Home for recovered non-Muslim women and children in Lahore where all recovered people are brought and kept before they are shroffed and sent to their respective

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relations in India. We have also got a team of social workers who with the permission of the Pakistan authorities go out into the interior and help their officers in making recoveries of our women and children who are found abducted there. It is a question of the machinery working in harmony with the machinery that is put on this duty in Pakistan. On the whole those who guide and run our own organisation have established very happy relations with the officers actually engaged in this work on the other side. Of course there are officers in Pakistan who do not willingly co-operate in this kind of work, but all that is possible is done for getting over their objections or indifference and a good deal of substantial work is being done.

Babu Ramnarayan Singh: Are we incurring any expenditure there?

Shri Gopaldaswami: Yes, we do incur some expenditure on the other side. But the bulk of our expenditure is in our own area.

Babu Ramnarayan Singh: May I know the approximate amount of expenditure in Pakistan?

Shri Gopaldaswami: I am afraid I have not got the figures here, but I could find that out if necessary.

Shri J. R. Kapoor: I suppose the expenditure that we are incurring in Pakistan is over our own social workers.

Shri Gopaldaswami: Yes, and we have got our own Home there—just as there is a Home in our limits which is their expenditure.

Shri R. Velayudhan: As regards the number of abducted women recovered that is given in the statement here—there was also a report in the press about the numbers actually published by the Search and Service Organisation periodically—it is a very serious thing that a certain number of women are brought into a particular camp, say twelve, and out of that six are taken to another camp, and in that way the number is a concocted number and is not the actual number of abducted persons recovered.

Shri Gopaldaswami: Sir, I protest against the word 'concocted' which my hon. friend has used.

Shri R. Velayudhan: It appeared in the press also. I only wanted to bring it to the notice of the House

and wanted to know whether there was any truth in it, because the hon. Minister himself does not know how many persons are working in this Search and Service Organisation.

Shri Gopaldaswami: I think the hon. Member would have enhanced his reputation if he had straightway withdrawn that word. But as he is not prepared to do so I must emphasize this protest for his using a word for which he has absolutely no justification. Periodically press notes are issued from the organisation that is responsible for this work. I would put it to him that every figure that is given there is absolutely accurate. There is no attempt at boosting and trying to get more credit than what the actual figures indicate. Those people who are engaged in this work are selfless workers and it is certainly outside the line of their activity to try to concoct things which you may expect from people who have got other motives for doing this sort of work. I would refer to the compliment that my hon. friend Mr. Kapoor paid to the head of this organisation on our side. She is a lady who has given her life to this kind of work, made immense sacrifices, and taken risks of all kinds. She has established the best possible relations with those from whom the best work could be expected on behalf of our women and children on the other side. To charge her and her assistants with trying to concoct figures is an offence which cannot be condemned in measured terms.

Shri R. Velayudhan: May I bring another . . .

Mr. Speaker: Order, order. Let the hon. Minister proceed.

Shri Gopaldaswami: I do not think I have to answer any more questions. I am thankful to the House for the spirit in which they have received this very simple piece of legislation and I hope it will be passed as moved.

Mr. Speaker: The question is:

"That the Bill to amend the Abducted Persons (Recovery and Restoration) Act, 1949, be taken into consideration."

The motion was adopted.

Mr. Speaker: Now, we will take the Bill clause by clause. I think I may put all the clauses together.

The question is:

"That clauses 1 to 3, the Title and the Enacting Formula stand part of the Bill."

The motion was adopted.

Clauses 1 to 3, the Title and the Enacting Formula were added to the Bill.

Shri Gopalaswami: I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

MADRAS PORT TRUST (AMENDMENT) BILL.

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

"That the Bill further to amend the Madras Port Trust Act, 1905, be taken into consideration."

This is a purely formal Bill. Formerly, there were the South Indian and M.S.M. Railways. They have been amalgamated into the Southern Railways. We are now providing that instead of the General Managers of the M.S.M. and the South Indian Railways, the General Manager, Southern Railway may be a member of the Port Trust. There is nothing more to be said about this.

Mr. Speaker: The question is:

"That the Bill further to amend the Madras Port Trust Act, 1905, be taken into consideration."

The motion was adopted.

Mr. Speaker: I may put all the clauses together.

The question is:

"That clauses 1 to 3, the Title and the Enacting Formula stand part of the Bill."

The motion was adopted.

Clauses 1 to 3, the Title and the Enacting Formula were added to the Bill.

Shri Santhanam: I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

BOMBAY PORT TRUST (AMENDMENT) BILL.

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

"That the Bill further to amend the Bombay Port Trust Act, 1879, be taken into consideration."

This is a similar Bill. Because of re-grouping of Railways, the old Railways have ceased to exist and new Railways have come into existence. We are substituting the new General Managers for the old.

Mr. Speaker: The question is:

"That the Bill further to amend the Bombay Port Trust Act, 1879, be taken into consideration."

The motion was adopted.

Mr. Speaker: The question is:

"That clauses 1 and 2, the Title and the Enacting Formula stand part of the Bill."

The motion was adopted.

Clauses 1 and 2, the Title and the Enacting Formula were added to the Bill.

Shri Santhanam: I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

Mr. Speaker: Then we take up the other item. Is the hon. Minister not moving the Resolution?

The Minister of State for Transport and Railways (Shri Santhanam): No, Sir.

Mr. Speaker: There is an end of the matter.

Shri Kamath (Madhya Pradesh): Not today, or not at all?

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): Not at all.

Mr. Speaker: Now we proceed to further legislative business.

REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY BILL.

The Deputy Minister of Works, Production and Supply (Shri Buragohain): I beg to move:

"That the Bill to provide for the requisitioning and acquisition of immovable property for the purposes of the Union, be taken into consideration."

I think a brief explanation is necessary to show why it has become necessary for Government to sponsor this Bill and why it should have done so at this particular juncture. The House is well aware that the Central Government does not possess all the buildings that it requires for its use in the country. During the war, the Central Government had to rely on the Defence of India Act and the Rules that were made under it to requisition lands and buildings which were needed for the prosecution of the war. It was under this measure that the Central Government and the State Governments requisitioned lands and houses for their use. However, they continued to retain possession of the buildings and lands, and what is more important, they added fresh structures to the existing buildings and sometimes built upon vacant lands that were requisitioned during the war years. So, when the Defence of India Act and the Rules lapsed, some kind of a legal void was created, and to get over that difficulty, an Ordinance was promulgated and later on, that was converted into an Act which is called the Requisitioned Land (Continuance of Powers) Act, 1947 which was enacted by Parliament. This measure made it possible for all requisitioned lands and buildings to be continued under the control of the Government. This Act, however, suffered from a major defect inasmuch as it did not empower any fresh requisition. It merely ensured that buildings and land already requisitioned....

Shri Kamath (Madhya Pradesh): On a point of order, Sir, I am afraid there is no quorum in the House.

Mr. Speaker: Yes. I think I shall have to wait for some time.

Shri Buragohain: May I go on now?

Mr. Speaker: Yes. Now there is quorum.

Shri Buragohain: This Act, I was saying, did not go far enough, for it

merely ensured that the buildings and lands already requisitioned during the period of the war, to be kept under the control of the Government. It did not empower the Government to requisition fresh property in the country. But the belief that was entertained that the administration that had expanded during the war years would shrink to normal proportions also did not materialise. Indeed, with the establishment of Independence, more responsibility fell on Government and to discharge this new burden it had to look for fresh buildings and lands. It was, therefore, felt necessary to have powers to requisition properties so as to enable Government to discharge these additional responsibilities that had been cast on them. This demand was felt more in the Capital and so a measure was enacted in 1947 and that is the Delhi Premises (Requisition and Eviction) Act, 1947. This Act gave power to the Central Government to requisition fresh buildings in Delhi only. It had also to be extended from time to time, and as the House is well aware, last time it was done during the last session. It was felt, therefore, all the time by Government that a similar legislation to requisition and acquire property elsewhere in the country should also be obtained. This aspect of the matter, this need for getting lands and buildings for use by Government was further emphasised on the inauguration of the Constitution in January, 1950. According to entry No. 38 in the Seventh Schedule to the Constitution the acquisition or requisitioning of property, except for the purposes of the Union became exclusively and entirely a State Subject. On the other hand entry 33 in the Union List in the Schedule empowered the Centre to acquire or requisition property for the purposes of the Union in the whole country. It, therefore, became clear that the Central Government could not rely, as it had done before, on the State Governments to requisition or acquire property on its behalf.

It was at this stage that Government took up for consideration the enactment of a comprehensive legislation on this question, not only vesting powers with the Central Government to requisition and acquire property, but also to define clearly in terms of the provisions of the Constitution the principles of compensation to be paid for property so requisitioned or acquired. Government was, in fact, ready to introduce a legislation of this kind in the present session of Parliament.

But before Parliament could meet, a judicial decision given by a High Court in a particular case made it quite clear that the State Government had no power to requisition premises for any purpose of the Union, even if it be for the allotment of a building requisitioned for the purpose of use by a Central Government servant. This created a very difficult position for the Government as a large number of houses in Bombay, Calcutta and other important cities in the country had been made available by the various State Governments at the request of the Central Government. In order to get over this difficulty an Ordinance called the Requisitioning and Acquisition of Immovable Property Ordinance was promulgated on the 25th of last month. This Ordinance really embodied the proposals which had been under consideration of the Ministry for some time for a comprehensive legislation on the subject. The Bill which is now before the House seeks to convert that Ordinance into a regular Act.

The main features of this Bill are as follows. It empowers the Central Government to requisition or acquire any immovable property which it deems proper, under certain specified and well-defined conditions. It does not, however, empower the Central Government to.....

Sardar Sochet Singh (P.E.P.S.U.): Sir, there is no quorum in the House. There are only 28 Members in the House now.

Mr. Speaker: Yes, but I think hon. Members may better invite my attention by passing on a chit to me, instead of rising on a point of order. I may send my emissary round sometimes and get the Members in. I cannot merely see to the number of Members present; I have to attend to the business going on. If an hon. Member prefers to attend to the matter of the number of Members present, he may kindly do so and also invite my attention by a chit so that it may not interfere with the work that is going on.

The hon. Minister may go on.

Shri Buragohain: I was saying that the Bill would give powers to the Central Government to requisition and acquire property under certain specified circumstances. It does not, however, empower the Central Government to act in an arbitrary or unreasonable manner. The principles and other matters connec-

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ted with the determination and payment of compensation have been laid down after considerable amount of thought and these will be found in clauses 8 and 9 of the Bill. I am quite clear in my mind that these provisions will ensure to the Central Government the use of the land and buildings it needs and also give a very fair deal to the owners from whom the property is taken over by Government. If any safeguards were needed, they will be found in clauses 10 and 11 of the Bill which provide for appeals against orders of requisitioning and the determining of the compensation. While the Bill validates every requisitioning made by the State Government for the purposes of the Central Government, it removes from the Statute Book the unsatisfactory Requisitioned Land (Continuance of Powers) Act, 1947 and the Delhi Premises (Requisition and Eviction) Act, 1947 which had only very limited application and could be applied only to Delhi. This Bill, as its very title implies, is a requisitioning and acquisition measure. The powers which the Central Government must have for the purpose of eviction are sought to be given under the Government Premises Eviction Act of 1950 which is being suitably amended by changes mainly of a consequential nature, to give the requisite powers to the Central Government.

I do not want to take up any more time of the House. I would merely conclude by saying that the assurances that were given on behalf of the Government when the Delhi Premises (Requisition and Eviction) Act was under discussion during last session will not be affected in any manner by this measure. The machinery to give effect to those assurances is being set up and in it some hon. Members of this House are also going to be included, and I hope that with their co-operation it will be possible for Government to make this business of requisitioning and eviction in Delhi a more or less satisfactory affair.

Mr. Speaker: Motion moved:

"That the Bill to provide for the requisitioning and acquisition of immovable property for the purposes of the Union, be taken into consideration."

Shri Naziruddin Ahmad (West Bengal): There has been an unfortunate tendency in this House for the Government to come forward for the extension of the lives of temporary measures. This measure, in its

[Shri Naziruddin Ahmad]

inception, began with the Defence of India Act and Rules. That was done under war time conditions, and requisitioning and acquisition of houses were necessary for the proper conduct of the war and the safety of the State. After that in the year 1947 an Act was passed (Act XVII of 1947) called Requisitioned Land (Continuance of Powers) Act, 1947. It re-enacted as a temporary measure the essential provisions relating to the requisitioning of land and houses under the Defence of India Act and the Rules. That was also supposed to be a temporary measure. The obvious assumption on the part of the Government then was that by the time the Act lapsed, the need for the continuance of provisions like these would be gone, but again at the end of the expiration of that period, we find the Government in the same position as it was in 1947. Requisitioning of land looks very simple in the eyes of the Government but it causes a great deal of hardship to owners of houses,

बाबू रामनारायण सिंह : बहुत ठीक ।

[Babu Ramnarayan Singh (Bihar): Right.]

Shri Naziruddin Ahmad: The House will please consider the situation. The requisitioning of houses can only be sanctioned on a temporary basis. The Government should launch upon a building programme. It must have all the buildings it requires.

[MR. DEPUTY SPEAKER in the Chair]

On the other hand, the hon. Minister has explained that the Central Government does not possess all the buildings it requires. He seems to be under the impression that a mere statement that the Government does not possess all the buildings it requires is enough for the House to authorise it to requisition houses. There has been a large influx of refugees on account of the disturbances. The cry has been insistent in this House as well as outside the House for building all the houses which the Government requires, for building all the houses required for the refugees but nothing has been done. I submit that requisitioning of houses creates a great deal of hardship to the people. In fact, whenever a house is requisitioned, the rent paid is not proportionate to the amount of expenditure which the owner had

incurred. It reduces the available space for occupation by outsiders and non-Government people, and therefore it causes a great deal of difficulties to the tenants and landlords. There have been insistent prayers, as has been disclosed in the House itself, in Delhi for permission to build houses, but permission would not be given for one reason or another, mostly of a technical nature. It was disclosed by the late lamented Member, Mr. Deshbandhu Gupta, that permission was given in certain circumstances in certain cases but was refused under similar circumstances in other cases. He definitely made the allegation that corruption was at the root of this discrimination. Now in spite of these allegations in the House, nothing has been done to create the conditions which would not necessitate the House agreeing to extensions of this Act. Government has failed in its elementary duty to provide for its own housing, and naturally tenants and owners of houses are highly dissatisfied with this state of affairs. I wish to draw the attention of the House to this unsatisfactory state of affairs. The Government must build all the houses it requires. It has ample resources. It has enormous money. There is the Finance Minister who thinks in terms of hundreds of crores of rupees. So, money is there. Government has all the building resources and materials. All that is needed is a little quickening of the process of building. That has been harped in the House for a long time, but nothing has been done. I submit that the life of this Bill should be limited to a very short time and that the Government should make up its mind to own the buildings which it really requires. No good case has been made out for a Bill of this nature which really extends the provisions of the older Act, though it comes in the shape of a new Act. How long, I ask, is the House to sanction the continuation of this measure. There are certain Acts, the continuation of which would be reasonable and the House has shown its readiness to support extensions where needed. But I ask the House to consider whether it should go on extending the periods of Bills and Acts without sufficient and adequate reason.

Shri A. C. Guha (West Bengal): Our experience of war-time measures has led to a good deal of misgivings about this Bill also. I think that on two occasions I had brought before the

House the case of Panagarh in the district of Burdwan in West Bengal. Fifteen thousand *bighas* of good and culturable land were first requisitioned on the condition that the tenant would be paid crop compensation every year and the land would be restored to them in the original condition within six months after the cessation of the war. Crop compensation was given only for two years and after that, the tenants have not been receiving anything, and further they were told that the Government had acquired the land. Most of the tenants did not receive any compensation because the tenants were mere tenants; they were not the landlords. Here also in this Bill the compensation is to be paid to the landlord and not to the tenants. In Panagarh where about 15,000 people were affected, compensation was given mostly to the landlords and not to the tenants, and I have on several occasions brought this matter to the notice of the Defence Minister but I did not get any redress from him. Then only when I wrote to the Prime Minister on this matter, did the Government move in the matter and took certain steps. Then in reply to a question of mine on the 28th March last year, the Deputy Minister of Defence replied that 2,877.13 acres of land were requisitioned, that 2,210.35 acres had been derequisitioned, leaving 466.78 acres still to be derequisitioned. The 2,210.35 acres which were derequisitioned were not handed over to the original tenants. As to how the land has been disposed of you can get some idea from the Minister's reply to another part of the question: "Yes, a portion of the acquired land was leased out by auction for agricultural purposes to the highest bidder." And this highest bidder in this case was a military contractor and I have reason to believe that he was some relative or somehow connected with the officer who was responsible for the disposal of these contracts. This land was under the control of the Military Estate Officer who was posted in Bengal, whose headquarters were at Barrackpore. The highest bidder was not one of the tenants who were evicted. Can there be anything more unjust than this that about 15,000 men were evicted when the Government had requisitioned the land and that land was not subsequently given to them but to somebody else, to some rich person who had become richer due to war contracts.

During my election campaign I have come to know of similar cases in West Bengal. I can cite some cases in Habra, where there is a refugee

colony. There are large tracts of land there unutilised as refugee colony, in regard to which some private parties are being favoured with leases of the land which was once requisitioned and acquired by the Government. There is also a similar tract of land in Kancharapara in Nadia where the same state of affairs prevails. Most of the tenants are Bengalee Muslims in Habra, in Burdwan the tenants are Bengalee Hindus and in Kancharapara most of the tenants are Bihari Chaudhuries. It is not a question of the Province from which they come or their religion but a question of the rights of the tenants. I do not know whether this measure will give any more protection to those tenants who will be ousted by it. It is not a question of requisitioning buildings but also a question of requisitioning large tracts of land, mostly used for agricultural or residential purposes.

As for the requisitioning of town houses, last year I brought to the notice of the hon. Minister in charge of this Department the case of a gentleman who had rented his house to a Government officer about 12 years ago. After three years that gentleman wanted the house for himself but the Government officer managed to make the Government requisition the House. Thus for the last 12 years the gentleman has not been able to get the use of his house, though he had no other house to live in at Calcutta. It was a case of sickness in the family of the gentleman for which he had to move the family to Calcutta for medical treatment. I appealed to the Minister for the release of the House but the Minister replied that it was not possible for the Government to derequisition the House. Is this the way that Government should requisition a house and not release it for the owner's own use for 12 years? This is not the way in which a democratic Government should behave with its own subjects.

The words "competent authority" used in clause 3 is a peculiar term which the Government has devised and we have seen it in other enactments as well. Anybody authorised by the Government would be the competent authority and will have the jurisdiction of the civil court and he will have civil and executive authority. It says here:

"the competent authority shall call upon the owner or any other person who may be in possession of the property by notice in writing to show cause, within 15 days

[[Shri A. C. Guha]

of the date of the service of such notice on him, why the property should not be requisitioned."

As an instance how notice is served I might cite a friend of mine who had a small plot of land in a village. He was not residing in that village and only after the land had been acquired he came to know about it. (Interruption) It was about 40 miles from Calcutta. He approached Dr. B. C. Roy and on his intervention that land was released. This is the way in which notice is being served by Government officers. Giving such a drastic power to the competent authority, namely that within 15 days he will acquire the land and take any measure he likes, is too much.

In another clause it says "Any decision or determination of the Central Government under sub-section (3) shall be final and shall not be called in question in any court." It has also become the fashion of the Government to take away the jurisdiction of the court. Why should the decision of the Government regarding the civil property rights of a citizen be final and be outside the jurisdiction of a court? I beg of you to consider how it can be justified on the part of the Government that they should take the power of the civil court.

I have already spoken about compensation. Clause 8 relates to the principles and method of determining compensation. The provisions are all right but there is no mention of the tenant who may be ousted or evicted. Everything is for the landlord. I should submit that this House should not pass a legislation unless the compensation of the tenants who will be evicted is assured. (Interruption) In Bengal any tenant cultivating the land cannot be ousted.

Under clause 12 the competent authority and arbitrator shall have all the powers of a civil court. I can understand the power of the arbitrator who may be selected by the Government. The qualification is that he must be a man fit to be employed as a High Court Judge. I do not mind giving power to the arbitrator but vesting the competent authority or any officer of Government with the jurisdiction of the civil court is too drastic and should not be approved of by this House.

Clause 13 reads:

"The Central Government or the competent authority may, with a view to carrying out the purposes of section 3 or section 6 or section 7 or section 8, by order require any person to furnish to such officer, as may be specified in the order, such information in his possession as may be specified relating to any property which is requisitioned or acquired or intended to be requisitioned or acquired under this Act."

This invests drastic power with the Central Government as well as with the competent authority. The competent authority has been placed on a par with the Central Government. Whatever the power the Central Government is taking under this Bill they are generous enough to give the same power to the competent authority, who may be an official drawing only Rs. 500 or so. In view of the public morality now prevailing not only in Government service but also in public life I do not think such drastic power should be given to any officer. I would therefore request the hon. Minister not to rush this Bill in this form. It should be sent to and thrashed out in the Select Committee. I am not here to plead for the right of private property. I do not mind the clause in the Constitution being amended regarding the abolition of zamindari. There the Government wanted not to annoy the vested interests. There the Government has faltered and has been unduly cautious. But when the property rights of the poor tenants or poorer sections of the people are concerned that the Government should have the right to go to any length is what I object to. It is there that my objection lies.

With these few words I record my protest against the provisions of this Bill and I hope the hon. Minister will send this Bill to a Select Committee and there the whole question may be thrashed out.

बन्धू रामनारायण सिंह : सभापति महोदय, मैं इस विधेयक का घोर विरोध करता हूँ। इस सम्बन्ध में हमारे मित्र गुहा साहब ने जो कुछ कहा है मैं उन के कथन का अक्षरशः समर्थन करता हूँ। मैं यह चाहता हूँ और

इस संसद् के वर्तमान हमारे जितने सदस्य हैं उन से विनय करता हूँ कि इस तरह का अधिकार सरकार को नहीं मिलना चाहिये। हमारे गुहा साहब तो डिमोक्रेटिक गवर्नमेंट, डिमोक्रेटिक गवर्नमेंट कई बार बोले। लेकिन इन से पूछा जाय या किसी से पूछा जाय कि गवर्नमेंट में डिमोक्रेसी कहाँ है? बल्कि मैं तो यहाँ तक कहता हूँ कि जिस तरह जब अंग्रजी राज्य था तो महात्मा जी कहा करते थे कि गवर्नमेंट सैटानिक (satanic) है, उसी तरह मैं तो साफ़ साफ़ कहता हूँ और खूब जबाबदेही के साथ कहता हूँ कि अभी हमारे देश में जो सरकार है यह भी पहले की तरह पूर्णतया शैतानी सरकार है। ऐसा कहने में मुझे कोई शर्क और झिझक नहीं है और मैं समझता हूँ कि सभी भाई अपने दिल में ऐसा ही समझते होंगे, चाहे कहने का साहस भले ही न हो। सभापति महोदय, भला इस के क्या माने कि इस तरह से लोगों के मकान ले लिए जाते हैं। सरकार के हाथ में सारी ताकत है, सरकार को रुपये पैसे की कमी नहीं और सामान की भी उस को कोई कमी नहीं, लोहा, सीमेंट किसी चीज की कमी नहीं। और न ही जैसा हमारे भाई गुहा जी ने समझाया सरकार को इंजीनियरों और कंट्रैक्टरों की कमी है और मैं जानता हूँ कि अगर सरकार चाहे तो कहीं पर भी पन्द्रह रोज के अन्दर मकान बनाया जा सकता है। ऐसी हालत होते हुए यह कहाँ तक उचित और न्यायसंगत है कि सरकार, गरीब या अमीर लोग जो अपने रहने के लिए मकान बनायें काफ़ी कठिनाई और समय के बाद उन के मकानों को उन से ले लिया जाय? यह कभी नहीं होना चाहिये, ऐसा अधिकार सरकार को कभी नहीं मिलना चाहिये। इस का मतलब तो यह है कि जनता सरकार के लिए है, अब तक लोगों के दिमाग में यह नहीं आया है और कम से कम अब तो

सीखना चाहिये, जब गुहा जी यह कहते हैं कि डेमोक्रेटिक गवर्नमेंट आ गयी है, हालाँकि मैं तो नहीं मानता कि प्रजातन्त्र राज्य अभी यहाँ आ गया है, ताहम अब तो लोगों को यह सीखना चाहिये कि सरकार समाज के लिए है और जनता के लिए है और यह नहीं कि समाज और जनता सरकार के लिए है। सरकार को इस तरह का अधिकार देने का मतलब हो जाता है कि जैसे जनता कोई चीज नहीं है, और ३५ करोड़ जो हम लोग जनता हैं वह मानों सरकार के लिए हैं और उस को बरकरार रखने के लिए हैं। जनता सुख से रहे अथवा दुख में रहे, किसी भी हालत में रहे उस के लिए कोई पर्वाह नहीं। यह सिद्धान्त गलत है और इस को तो अब खत्म हो जाना चाहिये। और सरकार को और उस के अफसरान को ऐसा अधिकार नहीं मिलना चाहिये। लड़ाई का जमाना दुसरा था, दुश्मनों से मुकाबला करना था। लेकिन अब तो कोई लड़ाई नहीं है और खास कर के किसी के बने हुए मकान को लेना, मैं अपने दोस्त से कहता हूँ कि आखिर इस गवर्नमेंट परपज (Government purpose) से क्या मुराद है? इस को साफ़ किया जाय। किसी अफसर के रहने के लिए, या किसी अस्पताल, स्कूल अथवा और किसी काम के लिए सरकार को ज़रूरत है।

4 P.M.

श्री कामत : पब्लिक परपोज़ेज।

श्री रामनारायण सिंह : जी हाँ, पब्लिक परपोज़ेज। सरकार के लिए खाली पब्लिक परपोज़ेज मोटा मोटा लिख देना और इस तरह लोगों को धोखा दे कर बोट ले लेना और इस अधिकार की पास करा लेना, यह नहीं होने पायेगा। पब्लिक परपोज़ेज में क्या क्या

[बाबू रामनारायण सिंह]

परपञ्च है, यह भी सरकार को साफ़ करना चाहिये। सभापति महोदय, मैं आप को यहां दिल्ली नगर की बात बताऊं। एक आदमी मेरे पास यहां आया और बतलाया कि यहां दिल्ली में एक मिनर्वा होटल है, उस होटल को किसी सज्जन को लेना था, उन को उस होटल की जरूरत थी, उन के दोस्त एक सरकारी अफसर थे और उस के जरिये वह सज्जन चाहते थे कि मिनर्वा होटल उन्हें मिल जाय।

एक माननीय सदस्य : मेरिना होटल, मिनर्वा नहीं।

बाबू रामनारायण सिंह : मुझे ठीक तरह नहीं याद, सम्भव है उस का नाम मेरिना हो, बहरहाल यहीं दिल्ली की घटना है, मुझे बाद में पता नहीं कि उस बारे में क्या हुआ। मैं उस का पता लगाऊंगा और उस के बारे में आप को लिखूंगा। मेरा इस घटना का जिक्र करने का यह मंशा था कि आप को बतलाऊं कि इस सरकार के जो सरकारी अफसरान हैं, उन में किस हद तक करप्शन मौजूद है। इसलिए यह बहुत जरूरी है कि ऐसे अधिकार सरकार को देने के पहले बहुत सावधानी के साथ उस पर सोच विचार कर लेना चाहिये और इस अधिकार को व्यवहार में लाने के लिए जो सरकारी अफसरान हों, वह बहुत आला दर्जे के और ईमानदार अफसर होने चाहियें। ऐसा न हो कि इस अधिकार का उन के द्वारा दुरुपयोग हो। मैं अपने जिले गया की बात आप को बताऊं कि युद्ध के जमाने में पन्द्रह, बीस मील का इलाका रैयतों से हवाई जहाज का अड्डा बनाने के लिए सरकार ने ले लिया था और लेते वक्त उन से यह वायदा किया था कि जब लड़ाई खत्म हो जायगी और सरकार को जब उस की जरूरत नहीं

रहेगी, तब वह सारी की सारी जमीन जिन रैयतों से ली गयी है, वह उन को फिर वापिस कर दी जायगी। खैर वह लड़ाई का जमाना था, उस वक्त तो सरकार ने इस अधिकार का प्रयोग किया, लेकिन अब तो न लड़ाई है और न सरकार को उस जमीन की जरूरत है, लेकिन जहां तक मुझे खबर है वह जमीन रैयतों को, जिन की वह जमीन थी, वापिस नहीं दी गई है। और सरकार को अपना किया हुआ वायदा भी याद नहीं रहता है। मेरे कहने का मतलब यह है कि इस बिल के बारे में पूरी तरह से विचार होना चाहिये। कुछ भाई कहते हैं कि इस को सिलेक्ट कमेटी में जाना चाहिये, लेकिन मेरा तो कहना यह है कि इस को पास ही नहीं होना चाहिये और इस को खत्म कर देना चाहिये।

सभापति महोदय, मेरे अपने जिले में दामोदर वैली स्कीम के सम्बन्ध में बहुत बड़ा काम हो रहा है। वहां पर बिहार गवर्नमेंट से और भारत सरकार से इस तरह का एक करार हुआ था कि बांध बनाने के अन्दर जितने गांव डूबेंगे और वहां से जिन लोगों को हटना पड़ेगा, ऐसे लोगों को जिन की जमीन ली जायगी उन को दूसरी जमीन मिलेगी। Land for land, house for house, building for building. इस तरह जितनी जमीन डूबेगी और जो जमीनें ली जायंगी रैयतों की, उस के बदले उन को दूसरी जमीन मिलेगी और जिन के मकान डूबेंगे उन को बदले में मकान मिलेंगे।

मैं आप से क्या कहूँ, इस का कुछ थोड़ा बहुत तो खयाल हो। मकान जो डूबने वाले हैं, उस के बदले मकान तो बन रहे हैं, लेकिन आप तो जानते हैं कि देहात का तौर तरीका

कुछ दूसरा है। वह लोग अपने ढंग से मकान बनाते हैं। मैं ने अफसरों से कई बार कहा और यहां संसद् भवन में भी जहां तक मुझे याद पड़ता है कहा था कि जैसे किसी का मकान डूबने वाला है, उस को अगर आज क्रीमत लगती हो तो दो तीन हजार जितनी भी हो वह उस आदमी को दे दो, वह अपने ढंग से मकान बना लेगा, लेकिन वह न कर के, वहां के अफसरों की हालत को क्या कहा जाय, दुःख के साथ कहना पड़ता है कि अगर सब रुपये दे दें रैयतों को कि वह अपने मकान बना लें, तो कंट्रैक्टर बीच में नहीं आता और कंट्रैक्टर बीच में नहीं आता तो घूस बगैरह भी मिलने की उम्मीद नहीं रह जाती। तो दामोदर बैली स्कीम की तरफ से मकान बनाये जाते हैं और वह भी कंट्रैक्टर के जरिये से, रैयतों से कहा जाता है कि उस मकान में रहो। इस के बाद उस में शरायत भी लगाई जाती है कि तुम जानवर नहीं रख सकते, उस में तुम रसोई नहीं बना सकते, अजीब अजीब तरह की शरायत लगाई जाती है। आखिर क्या मतलब है ? गांव एक जगह से दूसरी जगह बसे यह मान लिया गया, मकान डूब जायेंगे इस के लिए कहा गया कि तुम को वह मकान छोड़ कर दूसरी जगह जाना पड़ेगा, यह सब मान लिया गया क्योंकि यह लोकहित का काम हो रहा है। लेकिन इस का क्या मतलब कि सरकार ही कंट्रैक्टर्स के जरिये से मकान बनवा दे और उस के साथ बहुत सी शरायत लग जायें कि मकान में रहोगे तुम जरूर, लेकिन जैसे हम कहेंगे वैसे रहना पड़ेगा। मैं समझता हूँ कि इस तरह की बातें सरकार को छोड़ देना चाहिये, अच्छी अच्छी बातें सीखनी चाहियें। और बेढंगी तरह की सरकार अगर चलेगी तो यह भी जान लेना चाहिये कि ऐसी सरकार को बर्दास्त करने के लिए हम तैयार नहीं हैं। अब हम लोग

तैयार हो गये हैं। ऐसी स्थिति में आ गये हैं कि सरकार को ठीक तरह से चलना पड़ेगा, ईमानदारी से चलना पड़ेगा नहीं तो ऐसी सरकार को हम खदेड़ने को तैयार हैं। हम हैं और आप भी हैं जो पुरानी सरकार को खत्म कर चुके हैं। यह सरकार हमारी सरकार है यह ठीक है, इस की हम लोगों को मदद करनी चाहिये, इस से सहयोग करना चाहिये, यह सब ठीक है, लेकिन इस सरकार को भी अब मालिक की तरह नहीं, समाज के नौकर की तरह चलना होगा और उस के हर एक काम से जनता का हित हो, जनता की सेवा हो, और जनता की उन्नति हो न कि सरकारी अफसरों को घूस मिले और उन की मदद हो। इस सभा में मेरा कहना है और सभी भाइयों से अर्ज है कि यह बिल नहीं पास करना चाहिये, इस को तो खत्म करना चाहिये।

(English translation of the above speech)

Babu Ramnarayan Singh: Sir, I record my strong protest against this Bill and extend full support to what my hon. friend Shri Guha maintained in this regard. I want that the Government should not be granted powers to that effect and hope that all the hon. Members of the House will agree with me. My friend Shri Guha again and again talked of democracy. But where is democracy in our Government, I ask? Gandhiji used to refer to the old British regime in India as a satanic Government, but I would go so far as to suggest that our present set-up too is nothing short of a satanic Government. I have no hesitation, whatsoever, in saying so and I believe all the hon. Members have the same view although it may be that they may not have courage enough to declare it. May I ask why is it that private houses are requisitioned. It is not that the Government lack anything. They have got all building materials—iron, cement etc.—at their disposal. They have not to search for any engineers or contractors as they are all available to them. The Government if they like can build a structure within, say a fortnight. Under such circumstances how far is

[Babu Ramnarayan Singh]

it justified that the houses built by the rich or the poor for their own use should be requisitioned by the Government? I say the Government should never get such powers, otherwise it would follow that it is not the Government that is for the people but that the people are for the Government. So far people had been ignorant of this fact. It is high time they should take some lessons from all these things and should no longer entertain false beliefs like the one expressed by Shri Guha, namely, that we have now a democratic Government. I for one never felt that ours was a democratic Government; yet we should proceed on the assumption that the Government is to serve the society and not *vice versa*. Empowering the Government in this manner would mean that we the thirty-five crores of people are here only to keep the Government running. Whether people are happy or not is none of their concern. Such a state of affairs must be put an end to at once. The Government and their officers must not be given such arbitrary powers. Leave the question of war-time. Then we had to protect ourselves against the enemy. But nowadays there is no war or anything like that. They say that they require certain lands and buildings for public purposes. I do not quite understand what they exactly mean by "public purposes". They should explain clearly as to why they want to requisition those particular lands and buildings. Do they require them for the use of their officers or for constructing hospitals, schools, etc.?

Shri Kamath: They require for public purposes.

Babu Ramnarayan Singh: Mere 'public purposes' would not do. It does not behove the Government to get this Bill passed on the vague ground that they require such powers for public purposes. Let them analyse the term 'public purposes' as to what definite purposes are included therein.

For your information, Sir, I would like to cite an example which involves a particular incident which occurred in Delhi. I was told that a certain gentleman wanted to acquire one Minerva Hotel in Delhi through one of his friends who happened to be a Government officer.

An. Hon. Member: Marina, not Minerva.

Babu Ramnarayan Singh: Well, I do not quite remember; it may be Marina. Anyway it is an incident

that occurred in Delhi itself. I cannot say what happened afterwards. I shall inform you Sir, further in this matter after I have made full enquiries. The object of my referring to this particular case is to bring to your notice the extent to which our Government officers have become corrupt. It is, therefore, but necessary that the whole question be thoroughly examined before finally deciding to arm the Government with such important powers. In case we do give such powers to the Government it should be seen that the officers who are likely to use them are most sincere and honest. We should ensure that they would not abuse the powers given to them.

May I in this connection give an example of my home district Gaya where during war-time the Government had acquired about 15 to 20 acres of land for constructing an aerodrome on the clear understanding that the entire land would be restored to the tenants as soon as the war concluded. Well, that was the time of war and therefore the action of the Government could be said to be justifiable to some extent. But so far as I know the land has not yet been restored to the tenants although the war concluded long ago. The Government seem to have forgotten the assurance they had given. What I mean to say is that all pros and cons of the matter should be taken into consideration, as suggested by some hon. Members, before referring to a Select Committee. I for one believe that it should not be passed at all.

In my home district Sir, vast construction work is in hand under the Damodar Valley Corporation Scheme. The Government of India and the Government of Bihar had decided that the tenants whose lands, houses or buildings were to submerge in connection with that project would be provided with alternative lands, houses or buildings, as the case may be. Now the houses that are being constructed for those cultivators, whose original houses were taken by the Government in connection with the project, are not so designed as to suit their requirements. As you all know in villages they build houses of a design different from the one found in the cities. I approached the authorities—and if I mistake not I also referred to it in the House—and told them that it would be better if a certain amount of money say two or three thousand was given to each such

cultivator so that he may build the house according to his own choice. But they would not agree to it. I can only regret such an unsatisfactory state of affairs. If a fixed amount was paid to the tenants for constructing their houses according to their choice, contractors would not have come into the picture thereby depriving the officers of whatever bribes etc. they could get otherwise. That is why, I believe, this suggestion was not accepted. So the tenants are asked to live in the houses built by contractors under the Damodar Valley Corporation Scheme. Not only this, certain conditions are also imposed on them. They are prohibited to keep cattle there, cook food and so on. How funny these conditions are. After all what do they want? The fact that the entire villages were set up at the other places, could be understood on the ground that their original places were required in the public interest, but there was no sense in getting these houses constructed through contractors and imposing various restrictions and conditions on the poor inhabitants. I think it is high time the Government should leave such tactics and take steps for the betterment of the society. They should know it for certain that people have resolved not to tolerate such things anymore. Now the conditions have become such that if the Government do not function honestly and efficiently people are prone to turn them out. Let it not be forgotten that it was the people and nobody else who made the Britishers quit India. The present Government is undoubtedly our own Government and it is also right that we should extend to them every possible help and co-operation. But the Government in that case will have to function as servants of the people and not as their masters. Every step taken by the Government should be in the direction of people's welfare and progress. They should not do anything that may encourage public servants to indulge in corruption and bribery. With this I appeal to all the hon. Members not to let this Bill go through.

Dr. Pattabhi (Madras): I rise just to say a few words in support of the very reasonable suggestion made by my hon. friend Mr. Guha. The woes of house-owners whose houses have been requisitioned are as bad as the complaints against house-owners whose houses have been de-requisitioned. There is an element of *zulum* on both sides.

Babu Ramnarayan Singh: On both sides?

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Dr. Pattabhi: Yes, among both parties. You want a house. You make the most urgent representation for the use of the house and when you get the house you let it out at your will and pleasure. I have known one such case. I have known many more cases in which Government have unreasonably retained houses once requisitioned for a long number of years. Whatever reason there may be for requisitioning house property during a time of war, certainly there is no reason for Government to requisition these houses during a time of peace. As my hon. friend Ramnarayan Singh has said, they have got the command of money, labour, skilled talent and materials. They must be able to build and it is not for Government to say when a man possesses more than one house as to which particular house he should live in. It is the choice of the owner of the houses to consider the extent of his family requirements and the comforts that he would like to command. It is for him to decide which house he should occupy.

I was asked to visit a certain house in Delhi some time ago and I did not want to accompany the gentleman who invited me, but I paid the visit very suddenly and I found eighteen members, young and old, all crowded in a house in which there were only one or two bed rooms but there were three or four couples. It is rather hard for people who are well-to-do and who have possibly got other houses to live like this in a crowded quarter and be deprived of a house in a comfortable area. All these matters require to be considered and there is no urgency about this Bill that it should be got through this House without going through the usual routine of a Select Committee. By all means Government must reserve to themselves special powers to be exercised when justified, but at the same time the rights of the citizens also must be conceded and I daresay the hon. Minister will see the propriety as well as the wisdom of sending this Bill to a Select Committee.

Shri J. R. Kapoor (Uttar Pradesh): I want to associate myself with the very reasonable demand which has been made by my hon. friend Mr. Guha that this Bill should be carefully considered by the Select Committee. It is important and involves fundamental questions of principles and policy and also involves questions of convenience and inconvenience. We have not got much business to transact during this session and

[Shri J. R. Kapoor]

we are proceeding in a very leisurely manner. The House is fully co-operating with the Government in passing legislation almost without any long or unnecessary deliberation. It is the first time that an important Bill of this nature is being considered by us and the request of my hon. friend would appear to be very reasonable and modest. Obviously, we do not seem to be feeling happy over this Bill, because it seeks to requisition house property and other landed property on a permanent basis. Hitherto, the enactments on the subject were of a temporary nature. Their life was limited and we have always been expecting that sooner or later—sooner rather than later—the time would come when this sort of legislation would not be on our Statute Book. After lapse of so many years, we find that instead of those enactments being removed from the Statute Book we are being called upon to enact a permanent legislation on the subject. This is, I submit, neither fair to us nor creditable to the Government. The Government could have adopted a good building programme and it was expected of them that not only would they make suitable buildings for their own purposes but that they would also make buildings which they could place at the disposal of the general public. I do not want to indulge in any hard criticism in this last session of Parliament, but I do submit that the hon. Minister would be earning the gratitude of the House by acceding to this very reasonable request.

I shall quote one or two instances only to bring home to the hon. Minister the necessity of referring the Bill to a Select Committee. Ordinarily, property is acquired under the Land Acquisition Act. That Act is a permanent law on the subject. This Bill now seeks to do away entirely with the Land Acquisition Act so far as the Central Government is concerned. Under clause 8, I find that a person who is the owner of any property would be paid compensation, not on the principles enunciated in the Land Acquisition Act, but entirely on a different basis, and the basis seems to me to be to the disadvantage of the owner, because in the other Act a person will be paid the market value plus fifteen per cent, whereas here he will not be paid anything over and above the market value; rather, he will be paid very much less. To ignore and virtually to invalidate, so far as the Central Gov-

ernment is concerned, the Land Acquisition Act is an important matter of principle. May I point out, Sir, one more important point for consideration. Under clause 7 of the Bill the Central Government would be the sole authority to decide whether the acquisition of property is in the public interest or not. Under the Land Acquisition Act this has to be gone into by a properly constituted law court. The highest tribunal in the State is authorised to go into this question in appeal. Here the Central Government, which always means some particular Government servant, is to be the final authority on the subject to decide as to whether the acquisition of the property is to be in the public interest or not. That I submit is going much too far. The jurisdiction of the civil court is going to be ousted absolutely by one stroke of the pen.

Now, these are very important considerations which must be thoroughly scrutinised and should not be approved of in a light-hearted manner or in haste by this House. We are the custodians of the rights and interests of the public as much as that of Government.

[SHRIMATI DURGABAI in the Chair.]

One important consideration which attention was drawn by my hon. friend Dr. Pattabhi Sitaramayya is that the Bill does not make any provision for providing alternative accommodation to the person whose property is requisitioned even if he is living therein. This omission is of a drastic nature. I know of similar provisions in certain States which make specific provision for providing alternative accommodation. I should have thought that the Central Government would have taken a more compassionate view of things.

These are very important matters which must be carefully gone into and I would request the hon. Minister to accede to the suggestion of referring this Bill to a Select Committee.

Mr. Chairman: Is the hon. Minister agreeable to the suggestion of referring the Bill to a Select Committee?

Shri Buragohain: The only difficulty is lack of time. We have the Railway and the General Budgets to be discussed. There are some important measures too which have to be put through. But I might in

deference to the wishes of the hon. Members make some kind of a compromise suggestion. Probably we can have some kind of an informal discussion tomorrow and if we can agree on some amendments to improve the Bill, I shall accept them when the Bill next comes before the House. That will also save the time of the House which can be utilised for other measures.

Pandit Kunzru (Uttar Pradesh): I have not understood the suggestion made by my hon. friend Mr. Buragohain. Does he say that instead of a Select Committee there should be an informal conference? Why should not a Select Committee go into the matter and finish its business in a day or two?

Shri Buragohain: If the Bill is committed to a Select Committee the report of that committee has to be prepared and presented to the House. It will all take time.

Pandit Kunzru: What does it matter if the session is extended by a day? The matter is of the utmost importance.

A man may have only one house and Government in order to accommodate an officer of their own can ask this owner to vacate the house without being under any obligation to find alternative accommodation for him. Is this fair? Are not the powers taken by Government too wide? Government are thinking only of their own convenience. Does not my hon. friend realise that in some instances in Delhi itself the power has been so used as to harass house-owners who were occupying their own houses? Yet, he, on the score of time, objects to the reference of the Bill to a Select Committee. I think it is the flimsiest ground that he can take in opposition to the very reasonable suggestion made by my hon. friend Mr. Guha. The heavens would not fall down if the session lasts longer than the 5th March. What does it matter if we sit here till the 7th March, say, in order to give adequate consideration to a Bill of such importance and see that legislation that is passed is such as to meet the needs both of the Government and of the public?

I think, Sir, that clause 3 as it is brought forward is just undiluted tyranny. Government will exercise unchecked power. Any officer if he is displeased with a house-owner, or for the sake of a friend can always so use the power here as to harass

the house-owner. Surely, this and the other matters referred to by the other speakers require full consideration. This is not a Bill that should be passed today, or after an informal conference at which Government may brush aside any suggestions that we make. I think a regular report should be made to the House, so that we may know the suggestions made by the members of the Select Committee and the extent to which Government has met the objections brought forward here.

Mr. Chairman: May I know the reactions of the hon. Minister?

Shri Buragohain: I shall accept the proposal made by Pandit Kunzru provided the report of the Committee could be presented on Monday.

Pandit Kunzru: I suggested that the consideration of the Bill might be finished in one day, but it may take two days and I do suggest that my hon. friend Mr. Buragohain should not insist on the presentation of the report of the Select Committee on Monday. What does it matter if the report is presented on Tuesday, or Wednesday? Members will, I am sure, be ready to meet at any time appointed by him, but he should not make the time-table so strict.

Mr. Chairman: I think the hon. Minister has no objection to refer the Bill to a Select Committee, but since it is a matter of time I feel hon. members on the Committee would not mind meeting on Sunday.

Shri A. C. Guha: I do not think members would have any objection to sit on Sunday; but even then it may not be possible to finish the work by Monday. That is why I suggest that the time table should not be made so tight.

Mr. Chairman: I think the hon. Minister should agree.

Shri Buragohain: The report of the Select Committee might be presented on Tuesday.

Mr. Chairman: That is a matter between the hon. Members and the hon. Minister.

Shri Kamath: He is always reasonable.

Dr. V. Subramaniam (Madras): I just want to make some positive and constructive suggestions in regard to this matter. While I agree that the Central Government must have these powers of requisitioning property, I would like to say that these powers must be exercised only in abnormal

[Dr. V. Subramaniam]

times like war or when some other abnormal conditions prevail. It should not be that at each and every stage, as for instance when they want to have premises for a Post Office they should at once go in for requisitioning. My suggestion is this: There are vast lands in military and cantonment areas, and there are large railway (B class) lands available in each State. The hon. Minister for Works, Production and Supply should also take positive measures to construct Government buildings in each State for governmental purposes instead of utilising these powers of requisitioning. The Central Excise, the Postal and other Central departments require buildings in each and every State, and those buildings are required not for any temporary period but for many years to come: so that the Works, Production and Supply Ministry should take positive steps to construct such buildings and the Finance Ministry should also place adequate funds at the disposal of the Ministry for this purpose. These military and cantonment lands or the railway (B class) lands can be given to private owners, the Central Government can even grant them some loans and the private parties can be encouraged to build big buildings according to the design given by the Government for its own purposes. Those buildings can be taken over after a period of, say, twenty years. There can be certain conditions that such buildings can be constructed by private parties, that they can let them to the Government itself, that Government will pay rent or compensation, and that after a period of twenty years they will become Government's property. There must be some such arrangement so that after five, ten or twenty years the Government of India can possess their own buildings for their own purposes, namely for the Postal, the Central Excise and other such departments. These are some of the suggestions which I wanted to make, and I would like the hon. Minister, in addition to asking for these powers, to consider these suggestions which are positive and constructive and which, if adopted, would greatly relieve the situation.

Mr. Chairman: Will the hon. Member, Mr. Guha, move a formal motion for reference to Select Committee?

Shri A. C. Guha: I beg to move:

"That the Bill be referred to a Select Committee consisting of

Shri M. Ananthasayanam Ayyangar, Dr. Panjabrao Shamrao Deshmukh, Pandit Hirday Nath Kunzru, Shri S. N. Das, Shri B. Shiva Rao, Shri Jaspal Roy Kapoor, Shri Radhelal Vyas, Dr. B. Pattabhi Sitaramayya, Shri Surendra Mohan Ghose, Shrimati Uma Nehru, Shri Naziruddin Ahmad, Shri S. N. Buragohain, the hon. Shri N. V. Gadgil, and the Mover, with instructions to report on or before the 19th February, 1952."

Mr. Chairman: The question is:

"That the Bill be referred to a Select Committee consisting of Shri M. Ananthasayanam Ayyangar, Dr. Panjabrao Shamrao Deshmukh, Pandit Hirday Nath Kunzru, Shri S. N. Das, Shri B. Shiva Rao, Shri Jaspal Roy Kapoor, Shri Radhelal Vyas, Dr. B. Pattabhi Sitaramayya, Shri Surendra Mohan Ghose, Shrimati Uma Nehru, Shri Naziruddin Ahmad, Shri S. N. Buragohain, the hon. Shri N. V. Gadgil, and the Mover, with instructions to report on or before the 19th February, 1952."

The motion was adopted.

COAL MINES (CONSERVATION AND SAFETY) BILL

The Deputy Minister of Works, Production and Supply (Shri Buragohain): I beg to move:

"That the Bill to provide for the conservation of coal and make further provision for safety in coal mines, be taken into consideration."

The objects of this Bill have been explained in the Statement of Objects and Reasons. Briefly, the Bill seeks to empower the Central Government to take effective measures for conservation of metallurgical coal, firstly, by stowing for conservation, secondly washing, and thirdly blending and thus prolong the life of the limited resources of this variety of coal. The Bill also embodies the powers regarding stowing for safety under the Coal-mines Safety Stowing Act, which is being sought to be repealed by the provisions of this Bill. For rationalisation of the administrative machinery to give effect to the various provisions of the Bill, the Bill provides for the establishment of a Coal Board.

The House will agree that effective measures should be taken for conservation of metallurgical coal in this country. In fact these suggestions have been made inside the House and also outside in the country. Various Committees set up by Government have unequivocally recommended this course. The Metallurgical Coal Conservation Committee estimated in 1950, on the basis of an actual survey, that the total reserves of all grades of metallurgical coal *in situ* will be of the order of about 2,100 million tons of which 1,100 million tons are of selected grades and 1,000 million tons of Grades I and II. With modern mining methods about 1,600 million tons of coal can be recovered and by blending with weakly coking coal the overall figure of coal available for coking will be about 2,000 million tons. The Committee sounded a note of warning that this figure may well be halved unless precautions (notably compulsory stowing) are taken in mining and unless steps are taken to use blends containing weakly coking coal, and to wash inferior grades of coal. As compared to this the reserves of high grade iron ore in India are enormous and many times greater than those of the coking coal. The present requirements of coking coal for metallurgical purposes comes to a little over four million tons a year, while the present production of selected grades alone is well over eight million tons. Including Grade II coal, the production of coking coal is about 14 million tons. All the surplus production of valuable coal is being utilised for non-essential purposes. It is therefore clear that scientific working and conservation should be the key-note of the future policy regarding metallurgical coal.

The provisions of the Bill are largely of an enabling nature. The implementation of the policy of conservation will have to be given effect to by prescribing suitable rules. It is proposed that the Draft rules, to be framed under the Bill, be circulated for eliciting public opinion from the interests affected. All rules framed under the Act will be laid before Parliament as soon as they are made.

The financial implications will be found in clauses 8, 9 and 11. The present rates of duty of excise collected under clause 8 (i) (a) for stowing for safety are six annas per ton on coal and soft coke and nine annas per ton on hard coke. The maximum duty of excise leviable under the Bill has been fixed at Re. one per ton. When the operations of the Board are expanded to include stowing for con-

servation also, it will be necessary to increase the present duty of excise by about four annas per ton to provide funds for stowing for conservation. Clause 8 (i) (b) of the Bill proposes to levy an additional duty of excise on all coking coal raised and dispatched from collieries, not exceeding Rs. five per ton in the case of selected grades and not exceeding Rs. two per ton in the case of Grade I. This duty of excise will be refunded in the case of persons to whom such coal is essential or is supplied under the orders of the Board. This additional duty of excise is intended to act as a deterrent to non-essential users intending for coking coal, and thus, discourage its use by such persons.

It is felt that even with all the powers that are being taken under the Bill for the conservation of coking coal, it may not be immediately possible to enforce any positive conservation to any appreciable degree, out even if we succeed in preventing the rate of production of coking coal going up, and restrict a tendency which has been noticed in recent months and restrict the production at the present level, until the internal demand for coking coal increases, by the setting up of fresh steel plants, the objective of conservation could be partly achieved.

As regards the Coal Board, the present intention is to constitute this Board purely of officials and no additional expenditure is therefore expected.

In the Government's view, this is a very essential piece of legislation and it is very urgent also. It is believed that it is non-controversial in character.

Shri Kamath (Madhya Pradesh): Believed?

Shri Naziruddin Ahmad (West Bengal): It is not.

Shri Buragohain: You never know until the matter actually comes before the House.

Mr. Chairman: Motion moved:

"That the Bill to provide for the conservation of coal and make further provision for safety in coal mines, be taken into consideration."

Shri A. C. Guha (West Bengal): I welcome this measure. This is only in consolidation of so many other measures and particularly provision is made for taking some legal steps for

[Shri A. C. Guha]

the conservation of metallurgical coal. The report of the Committee was published some time ago. But, I think Members have some grievance on this score that we have not yet received the full report. Only the other day, we have been supplied with the second part of the report. I could not even get a copy of the first part of the report in the Library. I do not know what is contained in the first part of the report. Anyway, I would like to bring to the notice of the House certain points regarding the Bill.

The excise duty for stowing was three annas per ton. Last year, I think we raised it to six annas; or was it nine annas?

Shri Buragohain: Yes.

Shri A. C. Guha: By this Bill, we are going to raise it to one rupee. I do not know whether this increase is justified or not.

Another point that I would like to point out is about the funds of the Coal Mines Stowing Board—I have brought this matter before this House on several occasions before—the fund has not been properly used. At least, that is my information and as far as I have been able to gather, that is the idea I have formed. Moreover, the whole fund is outside the jurisdiction of Parliament. It is not shown in the Budget; it is not within the scope of the audit by the Auditor-General of India. On another occasion, the hon. Finance Minister assured me that he would examine the question of audit of these funds. There are about 12 or 13 autonomous bodies handling funds to the tune of some crores: five or seven crores, I am not quite sure about the figure now. There is absolutely no audit by the Auditor-General. These funds do not form part of the Consolidated Fund of India. I have raised this question several times before this House. On the last occasion, the hon. Finance Minister assured me that he was reviewing the whole question and something was going to be done so that the entire fund might be brought within the Consolidated Fund of India and be liable to the usual audit. But, in this Bill, I find the language used is exactly a reproduction of the language of the old Bill. The hon. Finance Minister may recollect that while discussing the Industries (Development and Control) Bill, I raised this point and he agreed with me and made certain modifications so that the funds that would be handed

over to the Industries Development Board would form part of the Consolidated fund of India and would be auditable by the Auditor-General of India. I do not know whether the language used here would make similar auditing and control by Parliament and Auditor General possible. I would like the hon. Finance Minister to examine this question. The language used here, which is an exact reproduction of the language of the old Coal Mines Safety (Stowing) Act, leads me to doubt that this Bill may perpetuate autonomous and arbitrary use of huge funds.

When the excise duty was three annas only, the collections came to about 50 lakhs or something like that. Now, it is being raised to one rupee per ton for soft coke and Rs. five for metallurgical coal. The collections will now be enormous and that amount is going to be handed over to this Board. I only want the Minister in charge of the Bill and the hon. Finance Minister who is also present here to examine the language in this Bill and ensure that all these funds will form part of the Consolidated Fund of India and will be under the usual audit by the Auditor-General of India. Up till now, these funds have been audited by internal auditors and the Auditor-General had nothing to do with them. That state of affairs should not continue. With these words, I support this Bill and I hope that sufficient precaution would be taken to see that the funds may not be squandered away or allowed to be arbitrarily used by a few people.

There is one other point. This Board will employ a large number of people. In some other cases, also, we know that the appointment of officers has not been done quite properly. Those who are in charge of these autonomous bodies make these appointments without any reference to the Public Service Commission or any other Board. A sort of nepotism is going on. The other day, in one Select Committee, the secretariat was making a charge against an autonomous body that when the Government said that all these appointments should have the sanction of the Government, that body refused to comply with the request of the Government. I do not like this state of affairs to continue. These bodies are to be financed by the Government; the excise duty is to be collected under an Act of this House. I submit that every appointment should be made according to the usual Government

procedure and any appointment carrying a salary of Rs. 300 or over, or some such figure, should be made in consultation with the Public Service Commission. The language of the provisions in the Industries (Development and Control) Act, should be copied here also.

Clause 17 says that all rules made under the provisions of this Bill shall be laid as soon as may be before Parliament. I submit that in this clause also the language in the Industries (Development and Control) Act should have been copied. These rules should be placed before Parliament and Parliament should have the right to modify them if it deems that necessary. Of course, I know Parliament has the inherent right to do that, but I suggest that even in the Bill this should be mentioned.

With these words I commend the Bill to the House and I hope that necessary changes will be made in it so as to make it quite acceptable to the House.

Shri Naziruddin Ahmad: In regard to this Bill, my fear is that some amount of unnecessary financial strain would be placed upon the much harassed coal business. Coal business is passing through a crisis. Many coal companies, particularly the small ones, are passing through serious crisis at present. There are many reasons which have contributed to this state of affairs. But the extra amount of tax which is to be levied on coal raised would produce a rise in the cost of production and thus again accentuate a situation which has already reached an unbearable limit. Apart from certain considerations which have been raised by my hon. friend Shri Guha, I think this one also should be taken into consideration, namely, that the amount of tax should be reduced so as to make it reasonable and to enable the coal producer to produce his coal cheaply.

श्री एस० ऐन० दास : जो बिल अभी सभा के सामने उपस्थित किया गया है उस की आवश्यकता हर एक महसूस करता है। देश के विकास के लिए जो योजना हमारे सामने आई है, और खास कर लोहे के विकास के बारे में उस के लिए जरूरी है, कि मेटालर्जिकल कोल (metallurgical coal) के जितने साधन हैं उन की रक्षा करें। हमारा ख्याल है कि जो हम इस

सम्बन्ध में योजना बना रहे हैं उस में इस तरह के साधनों को राज्य के हाथ में रहना चाहिये। लेकिन जब तक राज्य के हाथ में यह साधन नहीं आते हैं तब तक यह जरूरी है कि कोयले की रक्षा की जाय और इस का उपयोग मितव्ययिता के साथ हो। इसलिए मैं इस बिल का समर्थन करता हूँ।

साथ ही साथ इस बिल के जरिये जो एक्साइज ड्यूटी (excise duty) कोयले के उपयोग पर लगाई जाने वाली है वह मेरे ख्याल से बहुत ज्यादा है। इस सम्बन्ध में जो बोर्ड का निर्माण किया जा रहा है वह बोर्ड समय समय पर इस बात के लिए पूरा विचार करेगा कि कोयले की रक्षा करते हुए कोयले के इस्तेमाल करने वाले जो लोग हैं उन पर ज्यादा भार न हो इस दृष्टि से कितनी एक्साइज ड्यूटी लगाई जाय, इस पर वह बोर्ड विचार करेगा। इसलिए मेरा ख्याल है कि अभी इस बिल में जो एक्साइज ड्यूटी लगाने की रकम तय की गयी है वह बहुत ज्यादा है। मैं समझता हूँ कि उस को कम कर दिया जाय। और फिर इस बिल के जरिये से अधिकार ले लिया जाय कि कोल बोर्ड (Coal Board) इन प्रश्नों पर विचार कर के यदि मुनासिब समझे कि कोयले की रक्षा के लिए और इन साधनों की वृद्धि के लिए जरूरी है कि कोयले के उपयोग पर कुछ अधिक टैक्स लगाया जाय तो कोल बोर्ड की रिकमंडेशन (recommendation) पर सरकार इस टैक्स को कुछ हद तक बढ़ा सकती है। इसलिए मैं ने इस सम्बन्ध में कुछ संशोधन दिये हैं और मैं आशा करता हूँ कि माननीय मंत्री इन पर विचार करेंगे।

इस के अलावा मेरा ख्याल है कि जो कमेटी बनाई गयी थी, कोयले के संवर्धन और रक्षा के ऊपर विचार करने के लिए, और योजना आयोग ने जो सुझाव रखे हैं, उन के मुताबिक

[श्री एस० ऐन० दास]

भी इस बिल में जो प्रावधान (provisions) रखे गये हैं वह विचारने के योग्य हैं। लेकिन साथ ही साथ मैं यह भी मुनासिब समझता हूँ कि जहाँ पर दो तरह की एक्साइज ड्यूटी लगाई गई है उन दोनों ड्यूटी की जो रकम है उस को फिलहाल कम रखा जाय और इस बिल में यह अधिकार सरकार को दिया जाय कि अगर कोल बोर्ड की सिफारिश पर उचित समझे तो बढ़ा दे।

मैं एक बात यह कहना चाहता हूँ कि जैसे हमारे माननीय साथी श्री गुहा ने कहा है कि बोर्ड के हाथ में अभी अभी जो ड्यूटी की रकम रखी गयी है वही रखी गयी तो बोर्ड के हाथ में काफ़ी रुपया आवेगा। उस रुपये की जांच पड़ता ल उसी तरह होनी चाहिये जिस तरह से किसी भी तरह से बसूल किये गये टैक्स की होती है। इसलिए मैं समझता हूँ कि इस के हिसाब किताब की जांच आडिटर जनरल के साथ विचार विमर्श कर के की जाया करे तो अच्छा हों। इन शर्तों के साथ मैं इस बिल का समर्थन करता हूँ।

(English translation of the above speech)

Shri S. N. Das (Bihar):—The importance and necessity of the Bill before us is realized by everyone. In view of the plan which has been prepared for the development of our country—particularly so far as it concerns the development of iron industry—it is essential that the sources of metallurgical coal in our country should be conserved. In our opinion the Plan should provide that such sources will be controlled by the State. But so long as these sources do not come under the control of the State, all efforts should be made to conserve coal. It should be used in the most economic way. It is with this view that I support this Bill.

At the same time, in my opinion, the excise duty which is being imposed on the utilisation of coal under this

Bill is too much. The Board which is to be constituted in this connection, would consider from time to time as to what should be the excise duty on coal, keeping in view the question of the conservation of coal and also the fact that the consumers might not be adversely hit. I, therefore, think that the rate of excise duty as proposed in the Bill is too much. It should be reduced at present but a provision should be made in the Bill that if the Coal Board, after considering all matters, finds it necessary that the excise duty should be enhanced for the conservation of coal and the proper development of these resources, the Government can, on the recommendation of the Board, increase this tax. I have, therefore, given notice of certain amendments in this connection and I hope the hon. Minister would consider them.

Then again, the provisions of the Bill should be considered by us in view of the suggestions put forward by the Committee which was formed to consider the question of the conservation of coal in our country, and also by the Planning Commission. But at the same time I also think it proper that the rates of excise duties, where two different rates are prevalent, should be reduced for the time being and the Bill should make a provision that the Government can, on the recommendation of the Board, increase the duty.

I would also like to submit, as my hon. friend Shri Guha said, that if this proposed rate of excise duty is decided upon, the collections made by the Board would be quite large. Those funds should be audited in the same manner as collections from all other taxes. Therefore, I think that it would be more proper if these accounts are audited under the supervision of the Auditor General. With these words I support this Bill.

Mr. Chairman: The question is:

“That the Bill to provide for the conservation of coal and make further provision for safety in coal mines, be taken into consideration.”

The motion was adopted.

Mr. Chairman: Are there any amendments to this Bill?

Shri A. C. Guha: Yes, Madam, there are many.

Shri Buragohain: I have given notice of some amendments, and if

my hon. friends who have given notice of amendments will go through them, they may not press their own amendments.

Shri A. C. Guha: In that case it will be better to postpone discussion of this Bill to some other day, say Monday, and in the meantime we may study each other's amendments. But we have not got the Government's amendments.

Mr. Chairman: The amendments given notice of by the hon. Minister probably have not been circulated to hon. Members. This may be done now. Is it the desire of the hon. Minister that these may be informally discussed before they are discussed in the House?

Shri A. C. Guha: It is better we have such an informal discussion and we may adjourn now as there are only five more minutes left.

Shri Buragohain: Yes, we may perhaps discuss these amendments to-morrow, or immediately after the House rises to-day.

Shri A. C. Guha: We may have this informal discussion to-morrow after we have finished the meeting of the Select Committee on the other

Bill. Mr. Das and myself have given notice of amendments to this Bill and we both are on the other Select Committee and so we will find it convenient to have this discussion to-morrow and come to some kind of agreement about our amendments.

Mr. Chairman: Very well then.

BUSINESS OF THE HOUSE

HOURS OF SITTING

Mr. Chairman: But before I adjourn the House now, I would like to make an important announcement about the sitting timings of the House. From Tuesday next the House will sit from 9-30 A.M. to 1 P.M. and there will be no afternoon session from Tuesday onwards. Of course, there is always the proviso that if there is any urgent business there may be an afternoon session. But ordinarily the House will sit from 9-30 A.M. to 1 P.M.

Now the House stands adjourned to 10-45 A.M. on Monday, the 18th February, 1952.

The House then adjourned till a Quarter to Eleven of the Clock on Monday, the 18th February, 1952.