

Tuesday  
7th September, 1948

THE  
CONSTITUENT ASSEMBLY OF INDIA  
(LEGISLATIVE) DEBATES

(PART I—QUESTIONS AND ANSWERS)

Official Report

VOLUME VII, 1948

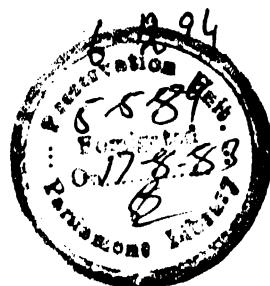
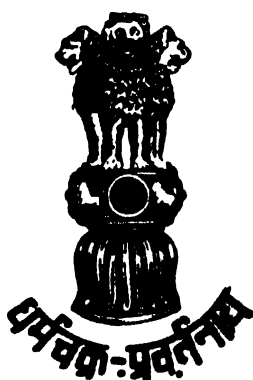
(1st September to 7th September, 1948)

THIRD SESSION

of the

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

1948



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# CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATE

## (PART I—QUESTIONS AND ANSWERS)

Tuesday the 7th September, 1948.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar) in the Chair.

### SHORT NOTICE QUESTION AND ANSWER

#### MANAGEMENT OF WESTERN HOSTEL, NEW DELHI

**Prof. N. G. Banga:** Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) whether it is a fact that the Western Hostel Building belongs to Government;

(b) whether the attention of Government has been drawn to the article published in the *Indian News Chronicle*, dated the 4th September, 1948, under the caption "Western Hostel Residents' Protest";

(c) whether it is a fact that a large number of inmates of the Western Hostel get a basic salary of Rs. 55 and yet are being charged Rs. 70;

(d) whether Government are aware that the charges collected by the authorities of local hostels of Lady Irwin College, Lady Hardinge College, and Miranda House are much lower than the Western Hostel charges;

(e) whether it is a fact that the Western Hostel management was handed over to Y.W.C.A. and if so, on what conditions and when and by whom;

(f) whether Government have received any complaints from any of the inmates regarding (i) very high charges for food, (ii) bad quality of food, (iii) ill-treatment by Hostel authorities and servants and (iv) discrimination between Hostel inmates;

(g) whether Government have received any representation from a group of respectable ladies who are either Government servants or who hail from the families of Government servants and public leaders, offering their services to take up the management of the Hostel and to look after the inmates in truly Indian fashion on rates which will be lower than the present rates and which will be well within the means of most of the inmates; and

(h) if so, whether Government propose to entrust the management of this Hostel to the above group of Indian ladies?

**The Honourable Shri N. V. Gadgil:** (a) Yes.

(b) Yes.

(c) It is true that basic minimum of the scale for III Division clerks is Rs. 55 rising to Rs. 130 but none of the inmates in the Hostel are getting less than Rs. 105 except two girls, who are in receipt of Rs. 90 p.m.; the charges for board and lodging are between Rs. 60 and Rs. 90 according to the pay of the Borders. The minimum of Rs. 60 is for persons drawing under Rs. 100.

(d) Government has no information.

(e) The management of one block of forty-eight rooms was placed in the hands of the Y.W.C.A. by the Government. Conditions on which this management was entrusted to the Y.W.C.A. are placed on the table. The management was given to the Y.W.C.A. in October 1948.

(f) Yes.

(g) No representation from any group of respectable ladies has been received.

(h) There is no foundation for the allegations about high charges and oppression. The entire question of the management of the Hostel is now under the consideration of Government.

GOVERNMENT OF INDIA

DEPARTMENT OF WORKS MINES AND POWER

D. O. No. 4492-WII/46

New Delhi, the 4th July 1946

Dear Miss Lynn,

Will you please refer to the proposals conveyed in your letter dated the 18th June 1946. The Government of India have decided to entrust the administration of the proposed Hostel to your Association on the following conditions:

(i) Government will provide suitable accommodation in the Eastern House for running the proposed Hostel and equip it with the necessary furniture. This will be free of charge.

(ii) The Young Women's Christian Association will be responsible for the administration of the hostel, all allotments being made by them, and all dues from the allottees will also be realized by them.

(iii) The accommodation in the Hostel will be allotted to single lady clerks without dependents employed by the Central Government or offices attached thereto, on application being made to the Secretary, Young Women's Christian Association, through the Department/Office concerned. The Estate Officer will not make any allotments to single lady clerks without dependents without having a 'no vacancy' certificate from the Secretary, Young Women's Christian Association.

*Notes.*—If there is vacant accommodation the Young Women's Christian Association will be permitted to lease this temporarily to ladies without dependents who are not Government clerks provided—

(a) such ladies shall be on short term tenancy so that they can be required to quit when Government lady clerks require accommodation,

(b) the rent charged shall in no case be a concession rent, *vide* (iv) below.

(iv) The Young Women's Christian Association shall provide lodging accommodation of the minimum standard to be fixed as provided in para. (vi) below and will be entitled to charge rent for this accommodation.

A standard rent will be fixed for the minimum accommodation offered (that is a bed, etc. in a room shared with others) and will be chargeable to all lady clerks drawing more than Rs. 100. A concession rent not exceeding Rs. 5 per mensem must however be charged for such minimum accommodation to all lady clerks drawing less than Rs. 100.

The Young Women's Christian Association will be entitled to charge higher rates of rent for better accommodation to those willing to accept such better accommodation providing it does not reduce the total accommodation offered to less than 75 beds.

The standard rents will include charges for electric lights etc. but where special accommodation is provided an extra charge for electric current consumed may be made.

(v) The Young Women's Christian Association shall charge for cleaning a flat rate to be fixed from time to time in consultation with Works, Mines and Power Department. These charges will be for a standard menu (to be fixed as provided in para. (vi) below). The Young Women's Christian Association will however be permitted to charge extra amount for supplying extras over the standard menu.

(vi) The Young Women's Christian Association shall fix the "minimum standard" of accommodation and the standard menu in consultation with the Estate Officer.

(vii) The accounts of the Young Women's Christian Association in connection with the running of this Hostel will be examined at the end of six months.

Yours Sincerely,

B. K. GOKHALE.

Miss D. M. Lynn, B.A.,  
Secretary, Young Women's Christian Association,  
48, Queensway,  
New Delhi.

#### DELHI YOUNG WOMEN'S CHRISTIAN ASSOCIATION

B. K. Gokhale,  
Department of Works, Mines & Power,  
Government of India  
New Delhi.

Asoka Road,  
New Delhi,  
18th July, 1946.

Dear Sir,

1. Further to yours of July 4th, and after consultation with the Estate Officer and Mr. Masumdar in your absence, I have to inform you that the matter of the proposed Hostel for lady clerks without dependents at Eastern House, was very thoroughly discussed by the Board of Management of this Association at their meeting this week.

2. The scheme was approved in general and the Y.W.C.A. is willing to undertake this task for the Government in view of our concern for the welfare of the young women of the city. We would like it to be remembered, however, that the whole thing is in the nature of an experiment, and we shall need to be assured that the Government intends to stand behind us in this if in spite of our best efforts, there is any ultimate loss. In the review of expenditure every six months it can be seen, of course, whether anything of this kind is likely to happen, and steps taken to forestall anything of a very disastrous nature. We ourselves, of course, will be watching the position from month to month, and exercise every reasonable economy.

#### 3. Now to elaborate the conditions *seriatim*:

(i) We would like it understood that according to yours of July 3rd "suitable accommodation" includes making the building safe for single women, either by the use of expanded metal round the ground floor verandahs, or if the whole compound is to be used for women, by the erection of suitable barbed wired fencing as at the Travancore House annex.

We have discussed with a representative appointed by the Estate Officer the necessary structural alterations to supply the common rooms required, and I am appending a list of articles required in the way of furnishings, which we feel are necessary for the proper equipping of such a Hostel.

We note that no rental charge will be made to us, and have taken this into account in drawing up charges as in (v) & (vi) below.

#### (ii) Agreed

(iii) *Note*—Ladies on short term tenancy would be accommodated on a daily basis and charged not less than Rs. 3-8 per day, except in cases of real hardship.

(iv) Rental charged to residents shall be on the following basis:

On total gross emolument under Rs. 100 p.m. Rs. 5.

On total gross emolument Rs. 100 to Rs. 119 p.m. at 7½ per cent.

On total gross emolument Rs. 120 and over p.m. at 10 per cent.

4. If it is possible to offer single rooms and not reduce the total accommodation to less than seventy-five (75) beds, Rs. 10 p.m. shall be an extra charge for that.

5. Standard rents shall include charges for bathing facilities, electric light, sharing a bedroom with furniture supplied use all common facilities, but not the use of electric equipment in a bedroom for which the following extra charges must be made & defray costs of extra current:

Electric fan Rs. 5 per room.

Wireless Rs. 2.

Private electric iron Rs. 2.

Use of common iron Rs. 0.4.0 per hour.

(v) and (vi) A standard menu has been submitted and approved by the Estate Officer. On making very careful estimates we find that total costs to us will work out at Rs. 63 p.m. per head.

7. For *all-in-charge* we, therefore, recommend the following :

For those earning less than Rs. 100, Rs. 55 plus 5 i.e. Rs. 60.

For those earning Rs. 100 to Rs. 119, Rs. 55 plus 7½ per cent. i.e. Rs. 62.8 to 63.14.

For those earning Rs. 120 and over Rs. 55 plus 10 per cent. i.e. Rs. 67 etc.

Extras such as milk, eggs, etc., will be supplied at cost.

8. (vii) Accounts will be submitted at the end of six months, but it must be realised that only when an average of at least 60 residents have been accommodated all the time, can the above figures possibly meet the probable expenditure.

9. *Further points noted :*

A. If there is any thought that residents earning less than Rs. 100 cannot afford to pay the Rs. 80 minimum, some further means of subsidising them must be discovered.

B. It is taken for granted that the Government as landlord will be responsible for all repairs and replacements, as well as colour washing annually.

C. Servants' wages have been estimated at a rate which includes free quarters, but we have had an assurance on this point from the Estate Officer.

Hoping, Sir, that these details will all be acceptable to your Department, and we can come to an agreement whereby the work can proceed without delay.

Yours sincerely,

D. M. LYNN,

*General Secretary.*

**Prof. N. G. Ranga:** Is it not true that this Rs. 100 salary which the Honourable Minister has referred to includes both the basic salary as well as dearness allowance?

**The Honourable Shri N. V. Gadgil:** That is true.

**Prof. N. G. Ranga:** Why is it the Government have not taken the trouble to make any enquiry as to the charges that are being made by the local hostels like the Lady Hardinge Hostel, or Lady Irwin College Hostel or Miranda House, when they can get in touch with the authorities of these hostels by telephone?

**The Honourable Shri N. V. Gadgil:** It will certainly take some time and the representation was only made a few days ago. Meanwhile, attempts are being made to have some arrangement which will be satisfactory to all the parties concerned.

**Prof. N. G. Ranga:** Will Government try to take into confidence the inmates themselves in order to bring about some sort of settlement or agreement between the present management and the inmates even during the temporary period during which Government will carry on their enquiries?

**The Honourable Shri N. V. Gadgil:** As regards taking the inmates into confidence, I have met them twice and have met them once again this morning and whatever representation they had to make in addition to what they wrote to me, I have listened to. The whole question, as I have stated in the last para. of my answer, is under consideration.

**Shri Rajni Kumar Chaudhuri:** Is it a fact that a deputation led by one of the honourable members of this House waited upon the Honourable Minister in this matter, and if so, what was the result of that deputation?

**The Honourable Shri N. V. Gadgil:** It is true that one of the members of this House was chivalrous enough and waited on me along with some of the inmates. The result of that has been that I called the Secretary and the President of the Association for some discussion and as I stated, some *via media* will be found out which will be satisfactory to all parties concerned.

**Shri H. V. Kamath:** When was this Hostel handed over to the present management and what were the conditions and terms?

**The Honourable Shri N. V. Gadgil:** All that is embodied in the Statement which I have laid on the table of the House.

**Shri B. Das:** Will the Honourable Minister consider the appointment of a few lady members of this House on the managing committee of the Western House, so that they can understand the difficulties of the women residents of the Hostel?

**The Honourable Shri N. V. Gadgil:** I shall certainly consider that, but the difficulty is that the honourable lady members of this House are not present in Delhi throughout the year?

**Shri H. V. Kamath:** Is it not a fact that some of the ladies of Delhi, among whom are being Mrs. Indira Gandhi, Mrs. Hannu Sen, Mrs. Shiva Rao, have signified their consent to run this hostel?

**The Honourable Shri N. V. Gadgil:** The position is that in the representation which has been signed by the inmates of the Hostel, there is a paragraph in which it is stated that the following group consisting of the ladies referred to by the honourable member are willing to run the Hostel. I have yet to ascertain whether they have really consented. In fact, in the group is the name of a lady whom I consulted and she has not yet given her consent.

**Shri H. V. Kamath:** But if, after consultation, the Honourable Minister finds that they are willing, will he assure the House that the management of the Hostel will be handed over to them?

**The Honourable Shri N. V. Gadgil:** I cannot promise you straightaway anything, except that I shall try to have an arrangement which will be satisfactory to all parties concerned. I may tell the House very frankly that it is very easy to run a hostel where the inmates are males, but it is a great responsibility to run a hostel where the inmates are young girls mostly young.

**Shri H. V. Kamath:** How long will it take for the Government to settle this problem?

**The Honourable Shri N. V. Gadgil:** It will not take long.

**Begum Aizaz Rasul:** Will it not be possible for the Honourable Minister to appoint one of the lady members of this House when the House is in session to make enquiries into the matter?

**The Honourable Shri N. V. Gadgil:** If it is only a question of associating a lady member during the session, I shall consider that.

**Prof. N. G. Ranga:** Will Government see that pending their efforts at reaching a satisfactory settlement, none of these inmates is either punished or sent out of the Hostel?

**The Honourable Shri N. V. Gadgil:** I shall certainly take care about that.

Tuesday  
7th September, 1948

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(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

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THIRD SESSION  
OF THE  
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(LEGISLATIVE)

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# CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DÉBATES

(Part II—PROCEEDINGS OTHER THAN QUESTIONS & ANSWERS)

Tuesday, 7th September, 1948.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar) in the Chair.

## QUESTIONS AND ANSWERS

(See Part I)

(10-58 A.M.)

### STATEMENT ON KASHMIR

The Honorable Pandit Jawaharlal Nehru (Prime Minister and Minister for External Affairs and Commonwealth Relations): Sir, I crave your leave to place certain papers on the table of the House and to make a statement thereon. These papers relate to the United Nations Commission on Kashmir which has been in India and partly in Pakistan for about two months or more now. Honourable members of the House must have read in this morning's papers some correspondence which has passed between this Commission and the Government of India; a Resolution passed by the Commission some three weeks ago; the Government of India's reply thereto and some indication of Pakistan's reply. The full set of papers has not been published in the Press yet and we have only received them, in fact, this morning by special courier from Karachi. No doubt, these papers will be published in the newspapers. Meanwhile, I shall place on the Table of the House some part of these papers and the rest I hope to place there in the course of the day, as soon as they are typed. Now the House knows that this Commission has been here for the last nearly 2 months or more and the House will have seen from this published correspondence what their resolution was and our response to it. In effect they will have seen that we accepted certain conditions for a truce and cease fire. In effect, Pakistan has rejected them. Now I do not wish at this stage to say very much more about this matter, partly because I should like to go through those papers much more carefully than I have had time to do this morning since they came, partly because the Commission is considering what further steps they may or may not take and it will not be perhaps quite proper for me to say anything which might embarrass the Commission.

As the House perhaps knows, it was the desire of the Commission that we postpone publication of papers and any statements in this House till today. We have been anxious right from the beginning of these consultations with the Commission to take this House and the Country into our confidence because we wished to take no steps in such a vital and important matter without the full knowledge and consent of this House, but inevitably in the circumstances, it became difficult for us, much as we wanted to do so, to make statements in this House when the Commission was engaged in these delicate negotiations, and so at their request we had to postpone this from time to time. Ultimately they issued their statement yesterday at 4 P.M. in Karachi. Now, although I do not wish to say much on this subject, there are certain facts to which I should like to draw the attention of the House. The facts themselves are very well known not only in this House, but all over the country. Nevertheless sometimes known and established facts are denied and it does make a difference when those facts are admitted.

[Pandit Jawaharlal Nehru]

The present story and tragedy of Kashmir began over ten months ago. Late in October of last year there was an invasion of Kashmir by people coming across or from Pakistan territory, and the Government of India were faced with a very difficult problem calling for a decision as difficult as any Government has to make, and we had to make that decision within a few hours. We made that decision and since then we have followed that decision. It became clear to us then and that fact has become abundantly clear to all the World that wants to know it, that this invasion was not only encouraged and patronized by the Pakistan Government, but actively supported. Later it became clear that apart from supporting others, there was active participation of the Pakistan army in it. Now throughout these ten months the Pakistan Government have denied that fact, they denied it, aggressively, loudly and persistently. We stated it before the Security Council of the United Nations. In fact, we went to the Security Council with a very simple plea that the peace of Kashmir has been disturbed by these raiders coming across the Pakistan territory and we placed our case as low as possible, although we could have placed it much higher. We said that it is inevitable, even apart from facts, that people coming from Pakistan could only come with the assistance and goodwill of Pakistan and therefore, we requested the Security Council to ask Pakistan not to assist them and not to permit them to come in this way. It was, if I may say so, a very moderate request, couched in moderate language. Pakistan denied that fact and during the long discussions before the Security Council they not only went on denying it, but expressing a great deal of irritation and anger that anyone should make such a charge against them. Well, I do not want to go into this long history of denial by them, but the point is that today on their own admission, their denial was false. Now, that is an important matter.

It is important from the point of view not only of practical politics and the situation we have to face today, it is important also from the point of view of the standards of morality, good behaviour and decency that should subsist between nations. Now, I know very well that the standard of public morality and international morality is unfortunately not very high in this World. Nevertheless certain appearances have to be kept up, certain decencies have to be maintained and some standards have to be kept. I do submit to this House and to the country that the story of these ten months and more and the way the Pakistan Government has reacted to all that has been said about them in the course of these ten months is so extraordinary as to be hardly creditable for a nation. Even till yesterday, so far as the world is concerned, even till 4 P.M. yesterday, there was no admission by Pakistan that they were participating in any way in those Kashmir operations. Of course, we knew. We have the most definite and positive evidence to that effect and you cannot hide large armies ultimately. Nevertheless till 4 P.M. yesterday when those papers were issued to the public there was no public admission. In fact, there was a continual denial in the course of the last few weeks, while this large Pakistan Army was functioning in Kashmir, battling with the Indian forces in the Indian Union territory. Please remember that all the fighting that has taken place in the last ten months has been in Kashmir, has been in Indian territory; there has been no fighting there has been no incursion, there has been no Indian Army anywhere on Pakistan territory. That is a fundamental and basic fact, which apart from any other enquiry and any other facts would lead one to the conclusion that if any outsiders are fighting in the Indian Union territory, those outsiders are the aggressors. Why are they there? During the last six weeks or so, again we pointed out in the most explicit language to the Pakistan Government and to the Prime Minister of Pakistan this presence of Pakistan troops in the Kashmir State.

Again, there was either a denial or an evasion of the issue. It was an extraordinary thing to me. I do not claim to be in any way different from others of my kind. My standards, I hope, are not lower than others. But, it has been a shock to me that any country, any responsible Minister of Government should make statements which are patently and obviously false and try to mislead the world by that means. You will remember that before the Security Council at Lake Success, there were prolonged arguments on this issue. The Foreign Minister of the Pakistan Government who was the Chief Delegate of their Government there, placed the case for Pakistan before the Security Council. How does that case stand now, I would beg you and the country and the world to consider. Because, that whole case was based on one fundamental fact, that is the denial of Pakistan's complicity in Kashmir. They denied throughout that they actively participated in it. If this fact is proved, as it is proved, out of their very mouths today, to have been false, then what happens to that whole case so laboriously built up by the Pakistan Government before the Security Council? What happens to the charge that we brought against them, which was never considered by the Security Council at all, much to our regret and amazement? So, the fundamental thing for us to remember is this, that a fact which was denied for ten months and more has at last been publicly admitted by the Pakistan Government. They have admitted, of course, in their own way. I shall read out to you some passages from their letter to the Commission wherein they have admitted. They say:

"India was steadily building its Armed Forces in Jammu and Kashmir. This building up process did not cease on 21st April 1948, but was continued and intensified. The Indian Army mounted a big offensive in the beginning of April, thereby causing a material change in the situation. This offensive action has continued ever since. The publicly declared intention of the Government of India was to secure a military decision in Jammu and Kashmir, thus presenting the United Nations Organisation with a *fait accompli*. This situation not only put in jeopardy the entire population of the areas under the Azad Kashmir Government, and led to a big influx of refugees into Pakistan, but also constituted a direct threat to Pakistan's security. It was this which compelled the Government of Pakistan to move their troops into certain defensive positions."

Observe here too, they do not say clearly that the defensive positions happened to be in another country.

Quite apart from their decision in regard to 'cease fire' and other proposals, the country which participates in aggression over a neighbouring country, may be in the name of defence, may be in the name of its own security, denies that for many months and then, in fact, when it has found out that its guilt is proved, when it cannot hide it any more, then grudgingly admits it and gives some reason for it. How shall we consider the politics of that country from any international or national or moral point of view? Observe, according to this statement they took this action in April last, four months or four and a half months ago. If they felt that their security was imperilled, or something was happening that endangered them and they had to send their troops, what then should they have done? Obviously they should inform the Government of India, and inform the United Nations Organisation that this is happening and there has been, as they say, a material change in the situation, and therefore we are compelled to take this or that action. I cannot conceive of any country anywhere in the wide world which would not have done so. Quite apart from motives, whatever they may be, this is the obvious and inevitable thing to do. They sent this army, according to them, in April last or thereabouts and there is no intimation to us into whose territory they were coming, and there is no intimation to the United Nations Organisation which was seized of this question, and was, as a matter of fact, then thinking of sending out a Commission to India. You will remember that right in the early stages of

[Pandit Jawaharlal Nehru]

the Security Council's activities, an appeal was made to India and Pakistan in regard to these military operations and in regard to avoiding any situation as between India and Pakistan. That appeal was repeated. In the few lines I have read out to you from Pakistan's reply, they accused India of mounting an offensive. We are trying from the Indian Union territory to push out the invader. It has been our declared policy, which we have declared before the United Nations Security Council repeatedly, which in fact was inevitable for us or for any country with any grain of self-respect.

So, we did that. But on the other hand, what did the Pakistan Government do? We have right from the beginning, whatever step we may have taken, we have taken in the lime light; there has been no hiding about it. The House has been greatly interested in this matter of Kashmir. The Indian public has taken the greatest interest and rightly; the burden of it has fallen on our Government. It has been a heavy burden. I shall be frank and tell you why it has been heavy on me and more especially on my Government: not because military operations were involved, although that is always a burden, but rather it has been a burden that we wanted to be sure that at no time we acted fundamentally against the principles we had so long proclaimed. May I take the House into my confidence that in the early stages towards the end of October and in November, and indeed subsequently, I was so much exercised over this fact that I felt intensely about Kashmir and if anything happened or was likely to happen to Kashmir which might have been, according to me, bad and disastrous for Kashmir, I would have suffered heart-break because of that. I was intensely interested, apart from larger reasons which the Government have, for emotional and personal reasons; I do not want to hide that, I am interested in Kashmir. Nevertheless, I tried to keep down the personal aspect and the emotional aspect and to consider it from the larger view-point of India's good and Kashmir's good I tried to consider the question from the point of view of not straying or drifting from the high principles which we had proclaimed in the past.

So, when this question first came up, I sought guidance, as I often did in other matters, from Mahatmaji and I went to him repeatedly and put to him my difficulties. The House knows that that apostle of non-violence was not a suitable guide in military matters,—and he said so,—but he undoubtedly always was a guide on the moral issue whatever the question might be. And so I put my difficulties and my Government's difficulties before him; and though it is not proper for me to drag in his name at this juncture in order to lessen my own responsibility or my Government's responsibility which is complete on this issue, I nevertheless mentioned this matter merely to show how the moral aspect of this question has always troubled me. And more specially when I saw in India all manner of things happening and which had happened in previous months which had brought India's name into disrepute. I was greatly troubled and worried and was anxious that we should keep straight or as straight as we possibly could. Now this has been my attitude and on several occasions I had put it to others in public. And apart from rhetoric and vague insinuations I should like to know from anybody—friend, opponent or enemy—that from that day in the last week of October when we took that fateful decision to send out troops by air to Kashmir till today what is it we have done in Kashmir which from any point of view and from any standard is wrong.

I want an answer to that question. Individuals may have erred here and there; but I say that the Government of India and the Indian army as a whole

have done something which was inevitable, and each step that we have taken has been an inevitable step which, if we had not taken it, would have brought a measure of disgrace to us. That is how I have ventured to look at this question of Kashmir. And when I find that on the other side the whole case that has been built up on what I venture to say is—using strong language—falsehood and deceit, am I wrong? That is what I ask this House and the country and the world to consider.

Now, therefore, this is the first fact to remember that all this case built up by Pakistan before the Security Council crumbles by this admission of theirs and by the proven fact that large armies of theirs are functioning in Kashmir and no doubt similar armies—if you like—and others connected with them functioned in Kashmir on Indian Union territory during these ten months or so. Every subsequent proceeding should be viewed from that aspect.

Now we come to the present, and I may again add one other thing in this connection. This has been an aggression; and if it is called—as according to their own admission it must be called—an aggression, then certain consequences ought to follow. Now my difficulty has been that in considering any question if you lose yourself in a forest of intricate detail sometimes you lose sight of the forest or the wood for the trees. There have been long discussions over the Kashmir issue and every aspect and phase and past and present history has been considered. But what has been the major point? I repeat that, because that I think is the fundamental factor. That is, the aggression of Pakistan on Indian Union territory; secondly, the denial of that fact of aggression; thirdly, the present admission of that fact. These are the governing factors of that situation. And this argument has gone on for long because these governing factors were slurred over and were not emphasised. We emphasise them of course, and the problem was discussed in intricate detail. Now if you start from a wrong premise in an argument obviously your whole argument goes wrong and you land yourself in difficulties. If you try to solve a problem without analysing or stating the nature of the problem how are you to solve it? And that has been the fundamental difficulty in this Kashmir business, that the fundamental issue has been slurred over and by-passed and passed over. Therefore we have been dealing with other matters which cannot yield a solution if we ignore the basic factor. Now the basic factor is out by the very admission of the Pakistan Government.

Now coming to this proposal of the United Nations Commission in India in regard to cease-fire and truce, etc., I shall not discuss that much because I do not wish at this moment to say anything in that regard which might embarrass that Commission. But certain papers are before you. I need hardly say that the proposal they had made was not welcomed by us with joy and enthusiasm; there were many matters in it which went against the grain. But we tried to look at this matter as coolly and dispassionately as possible with a view to establish peace on this harried State of Kashmir, to avoid needless suffering and shedding of blood; and we agreed to that cease-fire proposal after the Commission had been good enough to elucidate certain points which we had placed before them. We did not place too many points but only certain simple obvious points relating to the security of Kashmir. We placed these before them and they were good enough to tell us that that was their meaning. Thereupon we accepted that cease-fire proposal, accepted many things in it which we did not like, because we felt that both in the interest of peace and of international order it was a good thing for us to go a few steps forward even though some of the steps might be unwilling steps. In order to bring about this peace and to show that we were prepared to go as far as possible in order to meet the wishes of an international organisation like the United Nations; we did that. The original proposal of the United Nations

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was given to us on the 14th August. The 15th was our Independence Day. Immediately after, on the 16th we met the members of the Commission and discussed the matter with them to find out exactly what they meant and told them exactly what we meant; and within four days of that i.e. on the 20th August we sent them our reply. We did not want to delay matters as they were anxious that they should not be delayed.

The Pakistan Government had also got these proposals on that identical time, on the 14th August at 3 or 4 P.M. They also had the same amount of time. But even after the return of the Commission to Pakistan—and some members of the Commission went in between to Karachi—they were not ready with their reply. And in fact it was by the pressure of events or the pressure of the Commission that ultimately they have given some kind of a reply yesterday. In between they gave long letters seeking elucidation etc. I am sorry I have not read the reply wholly yet because I got it just a little before coming here. But I have read the significant parts of it, and in effect it is a rejection of those proposals. Now the Commission had told us that these proposals stand as a whole and while they were prepared to discuss any matter and would gladly do so, it was difficult—in fact it was not possible for them to accept conditional acceptances, because if we make some conditions and Pakistan naturally makes other conditions, what is exactly accepted and by whom? So they said that this thing was to be accepted as it is after being understood or if there were conditions attached it is not an acceptance but a rejection. Now, therefore, what the Pakistan Government have done is tantamount to a rejection. It is for the Commission to decide and to say what they are going to do. It is not for me to advise them. So we arrive at a curious state of affairs, that the country which was an aggressor nation according to its own showing, now even rejects and refuses a proposal for a cease-fire, or puts forward conditions which are tantamount to that refusal.

Now certain international consequences should follow from all this. What consequences follow? In a somewhat narrow sphere all those officers and individuals who are participating in this aggressive war against India in Kashmir territory—there are of course Pakistani nationals and others there too—are participating not only in an aggressive war but in a war after a refusal of a United Nations Commission's proposal for a cease-fire. Their position is worthy of consideration.

That is all that I wish to say on the Kashmir issue. Naturally the story of Kashmir goes on. It has been a saga during these ten months or so, and there has been a great deal of suffering and blood and tears involved in it. There have been high moments also. But for us in India, and for the Government of India, it has been a period of trial and difficulty from many points of view: still, at no time have we considered that we were wrong or that we took a step which we could not fully justify in regard to Kashmir. It is in that faith that we are going to continue and may I say one word, that in all these consultations with the United Nations Commission and in other matters affecting Kashmir we have kept in close touch with the Kashmir Government under Sheikh Abdullah and consulted him in all these steps that we have taken. That was natural and that is inevitable in the circumstances that we should march together in full consultation with each other. Proceeding on that basis, we shall go ahead, whether in the military spheres or in other spheres, and I am quite convinced that, if we adhere to a right course, and that, if we do not stray from it, even from an opportunist point of view of some present advantage, we shall win through, and any country that basis its case on an essential falsehood cannot gain its ends.

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## The United Nations Commission for India and Pakistan

Karachi, 13 August 1948

Sir,

I have the honour to transmit to you herewith the attached Resolution which was adopted by the United Nations Commission for India and Pakistan at its meeting held on 18 August, 1948.

The Commission drafted this resolution after very careful consideration of the observations which have been presented to it by the Governments of India and Pakistan.

This Resolution is intended to present the principles which may serve as a basis of discussions leading to the creation of the necessary prerequisites for a final solution of the situation in the State of Jammu and Kashmir.

I have the honour to be,

Sir,

Your obedient servant,  
ALFREDO LOZANO,

Chairman

The Honourable Pandit Jawaharlal Nehru,  
Prime Minister and Minister for External Affairs,  
Government of India.  
Delhi.

## United Nations Commission for India and Pakistan

Resolution adopted by the United Nations Commission for India and Pakistan at its thirty ninth meeting on Friday, 13th August, 1948, in Karachi.

## The United Nations Commission for India and Pakistan

Having given careful consideration to the points of view expressed by the Representatives of India and Pakistan regarding the situation in the State of Jammu and Kashmir, and

Being of the opinion that the prompt cessation of hostilities and the correction of conditions the continuance of which is likely to endanger international peace and security are essential to implementation of its endeavours to assist the Governments of India and Pakistan in effecting a final settlement of the situation,

Resolves to submit simultaneously to the Governments of India and Pakistan the following proposal:—

## PART I

*Cease-fire order*

A. The Governments of India and Pakistan agree that their respective High Commands will issue separately and simultaneously a cease-fire order to apply to all forces under their control in the State of Jammu and Kashmir as of the earliest practicable date or dates to be mutually agreed upon within four days after these proposals have been accepted by both Governments.



B. The High Commands of the Indian and Pakistan forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the State of Jammu and Kashmir.

(For the purpose of these proposals "forces under their control" shall be considered to include all forces, organised and unorganised, fighting or participating in hostilities on their respective sides).

C. The Commanders-in-Chief of the Forces of India and Pakistan shall promptly confer regarding any necessary local changes in present dispositions which may facilitate the cease-fire.

D. In its discretion and as the Commission may find practicable, the Commission, will appoint military observers who under the authority of the Commission and with the cooperation of both Commands will supervise the observance of the cease-fire order.

E. The Government of India and the Government of Pakistan agree to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.

## PART II

### *Truce Agreement*

Simultaneously with the acceptance of the proposal for the immediate cessation of hostilities as outlined in Part I, both Governments accept the following principles as a basis for the formulation of a truce agreement, the details of which shall be worked out in discussion between their Representatives and the Commission.

A. 1. As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.

2. The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistan nationals not normally resident therein who have entered the State for the purpose of fighting.

3. Pending a final solution, the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the Commission.

B. 1. When the Commission shall have notified the Government of India that the tribesmen and Pakistan nationals referred to in Part II-A 2, hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistan forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agree to begin to withdraw the bulk of their forces from the States in stages to be agreed upon with the Commission.

2. Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of the cease-fire the minimum strength of its forces which in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary.

3. The Government of India will undertake to ensure that the Government of the States of Jammu and Kashmir will take all measures within their power

to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.

C. 1. Upon signature, the full text of the Truce Agreement or a communique containing the principles thereof as agreed upon between the two Governments and the Commission, will be made public.

### PART III

The Government of India and the Government of Pakistan reaffirm their wish that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the Truce Agreement both Governments agree to enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured.

*New Delhi, 20th August, 1948*

Excellency,

On the 17th of August, my colleague, the Minister without Portfolio, and I discussed with you and your colleagues of the Commission now in Delhi the resolution which you had presented to us on the 14th instant. On the 18th, I had another discussion with you, in the course of which I tried to explain to you the doubts and difficulties which members of my Government, and representatives of the Government of Kashmir whom we consulted, had felt as the result of a preliminary but careful examination of the Commission's proposals.

2. During the several conferences that we had with the Commission when it first came to Delhi, we placed before it what we considered the basic fact of the situation which had led to the conflict in Kashmir. This fact was the unwarranted aggression, at first indirect and subsequently direct, of the Pakistan Government on Indian Dominion territory in Kashmir. The Pakistan Government denied this although it was common knowledge. In recent months very large forces of the Pakistan regular army have further entered Indian Union territory in Kashmir and opposed the Indian Army which was sent there for the defence of the State. This, we understand now, is admitted by the Pakistan Government, and yet there has been at no time any intimation to the Government of India by the Pakistan Government of this invasion. Indeed, there has been a continual denial and the Pakistan Government have evaded answering repeated inquiries from the Government of India.

In accordance with the resolution of the Security Council of the United Nations adopted on the 17th January, 1948, the Pakistan Government should have informed the Council immediately of any material change in the situation while the matter continued to be under the consideration of the Council. The invasion of the State by large forces of the regular Pakistan Army was a very material change in the situation, and yet no information of this was given, so far as we know, to the Security Council.

The Commission will appreciate that this conduct of the Pakistan Government is not only opposed to all moral codes as well as international law and usage, but has also created a very grave situation. It is only the earnest desire of my Government to avoid any extension of the field of conflict and to restore peace, that has led us to refrain from taking any action to meet the new situation that was created by this further intrusion of Pakistan armies into Jammu

and Kashmir State. The presence of the Commission in India has naturally led us to hope that any arrangement sponsored by it would deal effectively with the present situation and prevent any recurrence of aggression.

8. Since our meeting of the 18th August, we have given the Commission's resolution our most earnest thought. There are many parts of it, which we should have preferred to be otherwise and more in keeping with the fundamental facts of the situation, especially the flagrant aggression of the Pakistan Government on Indian Union territory. We recognise, however, that, if a successful effort is to be made to create satisfactory conditions for a solution of the Kashmir problem without further bloodshed, we should concentrate on certain essentials only at present and seek safeguards in regard to them. It was in this spirit that I placed the following considerations before Your Excellency:—

(1) That paragraph A. 3 of Part II of the resolution should not be interpreted, or applied in practice, so as

- (a) to bring into question the sovereignty of the Jammu and Kashmir Government over the portion of their territory evacuated by Pakistan troops,
- (b) to afford any recognition of the so-called "Azad Kashmir Government", or
- (c) to enable this territory to be consolidated in any way during the period of truce to the disadvantage of the State.

(2) That from our point of view the effective insurance of the security of the State against external aggression, from which Kashmir has suffered so much during the last ten months, was of the most vital significance and no less important than the observance of internal law and order, and that, therefore, the withdrawal of Indian troops and the strength of Indian forces maintained in Kashmir should be conditioned by this overriding factor. Thus at any time the strength of the Indian forces maintained in Kashmir should be sufficient to ensure security against any form of external aggression as well as internal disorder.

(3) That as regards Part III, should it be decided to seek a solution of the future of the State by means of a plebiscite, Pakistan should have no part in the organisation and conduct of the plebiscite or in any other matter of internal administration in the State.

4. If I understood you correctly, A 3 of Part II of the resolution does not envisage the creation of any of the conditions to which we have objected in paragraph 3 (1) of this letter. In fact, you made it clear that the Commission was not competent to recognise the sovereignty of any authority over the evacuated areas other than that of the Jammu and Kashmir Government.

As regards paragraph 3(2), the paramount need for security is recognised by the Commission, and the time when the withdrawal of Indian forces from the State is to begin, the stages in which it is to be carried out and the strength of Indian forces to be retained in the State, are matters for settlement between the Commission and the Government of India.

Finally, you agreed that Part III as formulated, does not in any way recognise the right of Pakistan to have any part in a plebiscite.

5. In view of this clarification, my Government animated by a sincere desire

to promote the cause of peace and thus to uphold the principles and prestige of the United Nations, have decided to accept the resolution.

Accept Excellency, the assurance of my highest consideration.

JAWAHARLAL NEHRU,

*Prime Minister of India.*

His Excellency M. Josef Korbet,  
Chairman  
United Nations Commission for India and Pakistan,  
New Delhi.

*New Delhi, 20th August, 1948*

Excellency,

You will recall that in our interview with the Commission on the 17th August, I dealt at some length with the position of the sparsely populated and mountainous region of the Jammu and Kashmir State in the north. The authority of the Government of Jammu and Kashmir over this region as a whole has not been challenged or disturbed, except by roving bands of hostiles, or in some places like Skardu which have been occupied by irregulars or Pakistan troops. The Commission's resolution, as you agreed in the course of our interview on the 18th, does not deal with the problem of administration or defence in this large area. We desire that, after Pakistan troops and irregulars have withdrawn from the territory, the responsibility for the administration of the evacuated areas should revert to the Government of Jammu and Kashmir and that for defence to us. (The only exception that we should be prepared to accept would be Gilgit). We must be free to maintain garrisons at selected points in this area for the dual purpose of preventing the incursion of tribesmen, who obey no authority, and to guard the main trade routes from the State into Central Asia.

Accept, Excellency, the assurance of my highest consideration.

JAWAHARLAL NEHRU,

*Prime Minister of India*

His Excellency M. Josef Korbet,  
Vice-Chairman,  
United Nations Commission for India and Pakistan,  
New Delhi.

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UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN

*Paridkot House, New Delhi, 25th August, 1948*

Excellency,

I have the honour to acknowledge the receipt of your communication dated August 20, 1948, regarding the terms of the Resolution of the United Nations Commission for India and Pakistan which the Commission presented to you on the 14th of August 1948.

The Commission requests me to convey to Your Excellency its view that the interpretation of the Resolution as expressed in paragraph 4 of your letter coincides with its own interpretation, it being understood that as regards point (1) (c) the local people of the evacuated territory will have the freedom of legitimate political activity. In this connection, the term "evacuated territory" refers to those territories in the State of Jammu and Kashmir which are at present under the effective control of the Pakistan High Command.

The Commission wishes me to express to Your Excellency its sincere satisfaction that the Government of India has accepted the Resolution and appreciates the spirit in which this decision has been taken.

I wish to avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

JOSEF KORBEL,

*Chairman.*

H. E. Pandit Jawaharlal Nehru,  
Prime Minister and Minister for External Affairs,  
Government of India,  
New Delhi.

UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN

*Fariakot House, New Delhi, 25th August 1948*

Excellency,

I have the honour to acknowledge receipt of your letter of 20 August 1948 relating to the sparsely populated and mountainous region of the State of Jammu and Kashmir in the North.

The Commission wishes me to confirm that, due to the peculiar conditions of this area, it did not specifically deal with the military aspect of the problem in its Resolution of 13 August 1948. It believes, however, that the question raised in your letter could be considered in the implementation of the Resolution.

Accept, Excellency, the assurances of my highest consideration.

JOSEF KORBEL,

*Chairman.*

H. E. Pandit Jawaharlal Nehru,  
Prime Minister and Minister for External Affairs,  
Government of India,  
New Delhi.

**Shri B. Das** (Orissa: General): May I suggest that the statement which the Honourable the Premier has made and the statement laid on the table may be circulated to us by this evening.

**Mr. Deputy Speaker:** All that can be assured is that as soon as possible the statement and the speech will be circulated. I cannot say whether they will be circulated before the evening.

**Shri H. V. Kamath** (C.P. and Berar: General): Is there going to be no statement on Hyderabad?

**Mr. Deputy Speaker:** Yes, there will be one.

**Shri Mahavir Tyagi** (U.P.: General): With regard to those Foreign Officers who are fighting on behalf of Pakistan, may I know if they are British nationals?

**The Honourable Pandit Jawaharlal Nehru:** Some of them, yes.

**Shri B. Das:** Sheme on England!

## STATEMENT ON HYDERABAD

→ The Honourable Pandit Jawaharlal Nehru (Prime Minister and Minister for External Affairs and Commonwealth Relations): I shall now address the House, Sir, on an entirely different topic, unrelated completely, but it is difficult really to separate things in the organic life of the country. So one thing affects another. But in effect what I am going to say now in regard to Hyderabad is something which stands apart from what I have said about Kashmir and does not bear any relation to it.

For over a year now, we have been making earnest attempts to come to a peaceful and satisfactory settlement with the Government of Hyderabad. In November last, our efforts led to a Stand-Still Agreement for a year. We hoped that this would be followed up soon by a final and satisfactory settlement. In our view, this settlement could only be based on the establishment of responsible Government in the State and accession to India. That accession meant of course, that the State would be an autonomous unit in the Indian Union enjoying the same powers and privileges as other autonomous units. What we offered Hyderabad was, in fact, an honourable partnership in the great brotherhood of the Indian Union.

2. Popular responsible Government in Hyderabad or in any other State or Province of India has long been our objective and we are glad to say that it is very near fulfilment all over India, except for the State of Hyderabad. It was inconceivable to us that, in the modern age, and in the heart of India which is pulsating with a new freedom, there should be a territory deprived of this freedom and indefinitely under autocratic rule.

3. As for accession, it was equally clear to us that a territory like Hyderabad, surrounded on all sides by the Indian Union and with no outlet to the rest of the world must necessarily be part of that Indian Union. Historically and culturally, it had to be a part, but geographic and economic reasons were even more peremptory in this matter and they could not be ignored, whatever the wishes of particular individuals or groups of individuals. Any other relationship between Hyderabad and the rest of India would involve continuing suspicion and, therefore, an ever-present fear of conflict. A State does not become independent by merely declaring itself to be so. Independence connotes certain relationships with independent States and recognition by them. India could never agree to Hyderabad having independent relations with any other power for that would endanger her own security. Historically, Hyderabad has at no time been independent. Practically, in the circumstances of today, it cannot be independent.

4. Further, in conformity with the principles that we have repeatedly proclaimed, we were agreeable that the future of Hyderabad should be determined after a reference to its people, provided that such a reference was made under free conditions. It cannot possibly be made under the conditions of terror which prevail in Hyderabad today.

5. Our repeated attempts at a settlement, which came near to success on one or two occasions, ended unfortunately in failure. The reasons for this were obvious to us; there were sinister forces at work in Hyderabad State which were determined not to allow any agreement with the Indian Union. These forces, led by completely irresponsible persons, have progressively gained in strength and now completely control the Government. The resources of the State were and are being mobilised for war in every way. The State army has been increased and irregular armies have been allowed to grow up rapidly. Arms and ammunition were smuggled in from abroad; this process, in which a number of foreign adventurers have been taking a prominent part, is continuing. No country, situated as India is, would have tolerated these warlike

[Pandit Jawaharlal Nehru]

preparations by a State in the very heart of India. Nevertheless, the present Government of India patiently continued negotiations in the hope that they would lead to some settlement. The only other step they took was to prevent, in so far as they could, the flow of warlike material into Hyderabad.

6. The private armies that grew up in Hyderabad, notably the Razakars, have become more and more aggressive and brutal within the State and sometimes across its borders, in India. I do not propose to give a full account of this here as full particulars are available partly in the White Paper on Hyderabad which the Deputy Prime Minister presented to the House earlier during the session, and partly in other published documents. This growing terrorism and frightfulness inside Hyderabad State against all those, Muslims and non-Muslims, who are opposed to the Razakars and their allies, both official and non-official, has produced a very grave situation and has had its repercussions on the bordering areas of the Union and in India generally. At the present moment, our immediate and most anxious preoccupation is this mounting wave of violence and anarchy inside Hyderabad State.

7. A full account of Razakar activities will take long. I shall mention only some recent incidents and a few figures. The inhabitants of a village inside the State, which, under the spirited leadership of its headman, had offered stout resistance to these gangsters, were, when resistance became impossible owing to the exhaustion of ammunition, put to the sword and the village itself burnt. The brave headman was decapitated and his head carried about a pole. In another village, men, women and children were collected in one spot and shot dead by the Razakars and the Nizam's police.

A large party of villagers fleeing in bullock carts to some haven of safety in India, was brutally attacked; the men were beaten up and the women abducted.

A train was held up, the passengers looted and a number of coaches burnt. The House is aware of the attacks on our troops seeking to enter our enclaves within State territory and of Razakar incursions into our own villages along the border.

According to reports received yesterday, Razakars and a unit of the regular Hyderabad army with armoured cars went into action against Indian troops on Indian territory. They were repulsed; one armoured car was destroyed and one officer and 85 other ranks taken prisoner. The incident further illustrates the mounting aggression against India.

Since this provocative campaign of violence started, according to information which has so far reached us, over 70 villages have been attacked inside the State, about 150 incursions have occurred into our territory, hundreds of persons have been killed, a large number injured and many women raped or abducted, 12 trains attacked, property worth over a crore of rupees looted. Hundreds of thousands have fled the State in order to seek refuge in the neighbouring Provinces of India.

8. The House will agree that no civilised Government can permit such atrocities to continue to be perpetrated with impunity within the geographical heart of India; for this affects not only the security, honour, life and property of the law abiding inhabitants of Hyderabad, but also the internal peace and order of India. We cannot have a campaign of murder, arson, rape and loot going on in Hyderabad without rousing communal passion in India and jeopardising the peace of the Dominion. Let the House consider what our predecessors in the Government of India would have done in these circumstances. ~~For far less, they would have intervened drastically;~~ the lapse of the Paramountcy of the British Crown cannot alter the organic inter-relation of Hyderabad and the power whose responsibility for the security of India as a

which is, and should continue to be unquestioned, or the mutual obligations of the one to the other. We have been patient and forbearing in the hope that good sense would prevail and a peaceful solution be found. This hope has proved to be vain and not only is peace inside the State or on its borders nowhere in sight but peace elsewhere in India is seriously threatened.

9. We have been criticised for having been too patient and too forbearing. That criticism may have some justification. But we have tried to act on the principle that no effort should be spared at any time to avoid conflict and to secure a settlement by peaceful methods. Except in the last resort, any other course would be a sad contradiction of the ideals and principles to which we have repeatedly pledged ourselves from the beginning to the termination of our struggle for freedom from foreign rule. But we cannot blind ourselves to cruel facts or shirk the hard responsibilities that such facts might impose. At the present moment, let me repeat the issue that compels immediate priority is that of security of life and honour in Hyderabad and the stoppage of the brutal terrorism that persists in that State. Other issues may well be taken up later, for indeed peace and order are essential for the consideration of other questions.

10. The Hyderabad Government have demonstrated both their unwillingness and their incapacity to put down the terrorism that has made the life of the law abiding citizens of the State so extremely insecure that large numbers of them are fleeing to the neighbouring provinces and States. We feel that internal security in Hyderabad will not be assured at this stage unless our troops are stationed at Secunderabad as they used to be until India withdrew them early this year. In reply to a recent letter from the Nizam, His Excellency the Governor General made this suggestion to His Exalted Highness who has replied that no such action is necessary as conditions in Hyderabad are entirely normal. This, of course, is contrary to all known facts and we have now asked the Nizam for the last time to disband the Razakars immediately and, as suggested by His Excellency the Governor-General, to facilitate the return of our troops to Secunderabad, in such strength as may be necessary to restore law and order in Hyderabad State. If they are so stationed, there will be a sense of security in the people and the terrorist activities of private armies will cease.

May I add a few words more. First of all I should like to state to this House and place before this country that we have tried to look upon this question of Hyderabad as far as possible entirely away from the communal point of view and I should like the country to look upon it in this non-communal way. I know, as I have just stated, that communal passions have been roused. But it should be the business of all of us, to whatever religion or community we might belong, to lift this question away from the communal plane and to consider it from other, and, I think more valid and more basic points of view.

We wish to send our troops to Secunderabad to ensure security in Hyderabad, the security of all the people there, whether they are Hindus or Muslims, or they belong to any other religion of group. If subsequently freedom comes to Hyderabad, it must come to all equally and not to a particular group. Therefore I would like to lay stress on this and I would like those organs of public opinion who can influence the public so much at any time, and more specially during times of stress and strain, always to lay stress on this non-communal aspect. Also, whatever steps we may have to take in the nature of police action or other, our instructions are going to be definite and clear that any kind of communal trouble from any side will be most sternly dealt with.

There has been, as I mentioned to this House, a large migration from Hyderabad of terror-stricken people. I do not know how many have come out,



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but in the Central Provinces even now there are large oamps of tens of thousands—probably several hundred thousand people may have come out in the course of the last two months. Now, if I may give advice—although the giving of this advice means the assumption of a certain responsibility—I would give this advice and take the risk, that people should not migrate from Hyderabad or from any part, wherever they may be.

**An Honourable Member:** And get butchered.

**The Honourable Pandit Jawaharlal Nehru:** Somebody said get butchered. I can only speak in my own terms. If I am there I would not migrate, what ever happens—butchery or no butchery. I think that when we have to face a serious situation, nothing can be worse than running away from it: and especially in the present instance I see no benefit in regard to that matter. Because, the person who runs away exposes himself to that very danger more than a person who sits or stands normally speaking. Of course I am not considering exceptional cases and some things may happen here and there. But my general point is this, that we may be on the eve of grave happenings in this country, and because of that our Government has paid the greatest and the deepest attention to these matters. We have discussed them, not only amongst ourselves but with our advisers: we have considered various possible consequences, for every action has to be judged from the possible consequences thereof. We cannot just take an action in the air. So we have done that. And having done that, we have come to certain conclusions which I am placing before you. At any time I would have advised the country to be calm and poised and I refuse to be panicky and refuse to run away from any difficult situation. At this time particularly I do call upon with all the earnestness in me that we should maintain our peace and calm and face any situation that might arise not only in that calm and collected and disciplined way but also always remembering the fundamental principles and lessons that our Master placed before us.

#### AJMER-MERWARA TENANCY AND LAND RECORDS BILL—contd.

**Mr. Deputy Speaker:** The House will now proceed with the further consideration of the motion moved by the Honourable Shri Jairamdas Doulatram on the 6th September re the Ajmer-Merwara Tenancy and Land Records Bill.

**Pandit Mukut Biharlal Bhargava (Ajmer-Merwara):** Sir, yesterday evening when the House rose for the day I was discussing the soundness of the relative claims of the *Istimrardars* and their tenants to the proprietary title in the soil. These estates though originally eleven in number, gradually increased to seventyfour and are covering 1,376 out of a total of 2,400 square miles of the area of the province. I had drawn the attention of the honourable House to a very very patent fact that the British officer, Mr. Cavendish as early as in 1820, after elaborate enquiry, had come to the conclusion that these feudal chiefs had originally been life grantees of the estates from the Moghul rulers of the day in lieu of certain military services to be rendered to the Moghul emperors, that subsequently the Maharattas commuted the military service in lieu of tons of money and fixed an assessment over these estates. When the Ajmer district was ceded to the British in the year 1818 the problem arose as to what recognition was to be given to the feudal chiefs. It was remarked by Mr. Cavendish and Mr. MacKenzie that their enquiries showed that the feudal chiefs appeared in these estates merely as strangers on behalf of the rulers of the day and that the tenants had been in possession of the holdings for generations and they had valid rights of occupancy therein. Notwithstanding the result of the enquiries of Mr. Cavendish and Mr. MacKenzie, which was really in favour of the tenants, we still had Mr. Cavendish come before

the year 1874, and the full proprietary title of these feudal chiefs in these estates was recognized, and the *sanads* that were granted to the feudal chiefs in the year 1874 laid down that they were to remain as the full proprietors of these estates and further that the government of the day waived its right to enhance the assessment and fixed the assessment in perpetuity. The same assessment was recognized as was made by the Mahrattas, the then rulers of the day. The Mahrattas were calling this assessment by the name of *mamala*. They were making a number of additional recoveries, but the British Government of the day chose to relinquish all its claims to these additional recoveries and recognise the assessment. This recognition of assessment and fixation of it, and the waiver of the right to enhance it in perpetuity has caused an enormous loss to the public revenues. This assessment was made, as I submitted a minute back, a century before the British came and it was this very amount that was recognised.

The other right that was recognised in the *sanad* was that on succession to these estates, each successor was to give a certain *nazarana* to the British Government. But even that right of recovery of the *nazarana* remained a mere dead letter and was formally relinquished in the year 1923. It shows that while the British Government was very particular and anxious to give every possible concession to these feudal chiefs, it altogether ignored the rights, the valuable rights, of the cultivator in the holdings. As I had pointed out yesterday, in condition No. 9 of the *sanad* the *istimrardar* and his successors in title had bound themselves to respect and protect the rights of the cultivator, which clearly shows that there were certain valuable rights of the cultivators existing at the time which required protection at the hands of the rulers of the day.

But, Sir, notwithstanding this condition No. 9 in the *sanad* what do we find? When Mr. Sutherland came in, Regulation II of 1877 was enacted and a law, so far as the tenants were concerned, was incorporated in the form of Section 21 of Regulation II of 1877, which laid down that all occupiers of cultivable and non-cultivable land comprised within the *istimrardari* estates of Ajmer-Merwara were to be presumed to be tenants at will until the contrary was proved. This contrary has not been proved in any case, and there is no record where the court of law has found that the burden has been satisfactorily discharged by any one of the tenants. The result was that from 1877 up to the present day, these tenants have been victims to a process of ruthless exploitation and have been more or less mere slaves in these estates. From 1877 up to the year 1931 we find that these tenants were being exploited in a number of ways, and the demands from the feudal chiefs were increasing day by day. There was consequently a big agitation and we find that in 1932 in one of the premier *istimrardari* estates of Masuda there was a serious agitation and also the declaration of a non-rent campaign. The ruthless might of the British rulers of the day in the shape of their representative, the Chief Commissioner whose position in the old set up of things was no less than that of a Nawab or a ruler of the neighbouring Rajputana State.....

**Babu Ramnarayan Singh** (Bihar: General): Mr. Deputy Speaker, is there a quorum in the House?

**Mr. Deputy Speaker:** There is.

**Pandit Mukut Bihari Lal Bhargava:** The result has been that for over a century these down trodden and poverty-stricken tenants have been subjected to a ruthless process of exploitation at the hands of their feudal chiefs 12 Noon who have been enjoying full liberty and license under the patronage extended to them by the representative of the bureaucratic Government, that is the Chief Commissioner. When this agitation grew and came

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to a head in the year 1932, it was suppressed with a ruthless wave of repression and subsequently an *istimrardari* Inquiry Committee was appointed in the year 1932. This Committee was presided over by the Assistant Commissioner, Mr. De la Fargue. No representation was given to the representatives of the tenants in this Committee, for whose benefit it had been brought into existence. We find that excluding the Assistant Commissioner as the Chairman of this Committee, there were three officials—the S. D. Os. of the different Divisions of Ajmer-Merwara—and there was one non-official representative, Rai Bahadur Munshi Mitthan Lal who was the standing counsel of the *istimrardars*. The result was that the recommendations made by the De la Fargue Committee were of a very, very reactionary type. They proposed to enhance the powers of these *istimrardars* still further. They proposed that they may be able to recover their dues—the rent, the cesses, etc.—as land revenue; there were many other recommendations which were more or less of a very, very reactionary character, wholly in favour of the *istimrardars* and against the tenants. Naturally, no Government, in the face of the serious agitation going on, could venture to accept these reactionary recommendations of the De la Fargue Committee. Notwithstanding this, no ameliorative reform was undertaken by the administration of the day with the result that the misery and sufferings of the tenants were piling more and more. In the year 1937 Mr. C. J. Irwin, a retired experienced revenue officer, was called from C. P. and he was entrusted with the job of inquiring into all these estates. He submitted a report and within the four corners of this report he also made a draft of a tenancy legislation which he recommended to the Government of the day to replace the existing "black Act" of 1877. Now, Sir what happened? The Government found that the report submitted by Mr. Irwin was wholly in favour of the tenants and therefore it was put in cold storage. That clearly shows that there was not only connivance but definite collusion between the representatives of the Administration and the feudal chiefs. This report did not see the light of the day till 1946. It was only after repeated interpellations by me on the floor of this House and only after the advent of the Interim Government, on which Congress was represented, that this Report was placed on the Table of the House. As the agitation was growing, a special officer was appointed by the Government of India to make enquiries for the third time and that special officer is the draftsman of the present Bill which has been sponsored by the Honourable Minister for Food and Agriculture.

Sir, I had submitted yesterday and I repeat it today, that this Tenancy Bill, so far as its drafting is concerned, is all right. It is a good draft, made on modern lines and if it is compared with tenancy legislation in other Provinces it is a distinct improvement, but still the question is that in 1948, a year after India has attained independence, when this Bill is being sponsored by the Congress Government, the drafting of this Bill should have been based on the assumption that *zamindari* exists in Ajmer-Merwara. I heard it argued very vehemently a few days ago, in the course of the debate on inflation, that the abolition of *zamindari* and prohibition and other schemes of public utility should, for the time being, be deferred. Similarly, it may be argued here also that the abolition of *istimrardari* in Ajmer-Merwara may be treated on the same lines. I do not think it is justifiable for the Congress to shelve these schemes of public utility for any time whatsoever. So far as Ajmer-Merwara is concerned, this problem is very very simple and need not be deferred at all. This question was agitated on two occasions by me on the floor of this House and the Special Officer, Mr. Belgrami was asked to submit his own views after full enquiry into the whole question. He submitted to the Government of India a very detailed and comprehensive and elaborate report. The conclusion to which he has reached, I do not agree with, but that report contains all the same old material, facts based upon history, facts upon the recognised Settlement reports of the Government etc. This report was referred to a

Committee representative of *Istimrardars* and *Kisans* and I was also a member of this Committee. The representatives of *Istimrardars* on the Committee refused to participate. They refused to give any opinion. Therefore, all the opinion was from and on behalf of the representatives of *Kisans*. The other day, in reply to a question by me, the Honourable Minister stated that it was not the opinion of the Committee but of individual members. But I would like to ask him to bear this fact in mind that *Istimrardars* and their representatives refused to participate in the proceedings of this Committee or give any opinion. All other representatives gave their opinion and that was that the Government of India should accept the principle of abolition of *Istimrardari* in unequivocal terms and should forthwith appoint a Committee which would enquire into the facts and circumstances of the case and which may be called upon to submit a report as to the terms and time at which this abolition can take place. Though that report was submitted, as far as I remember, more than six months ago, no action was taken by the Government of India. The Advisory Council of the Chief Commissioner, of which I am also a member, has appointed a Sub-Committee during its last session about three months ago, and in the Resolution that was passed it was stated in unequivocal terms that the Advisory Council accepts the principle of abolition and it has appointed a committee to go into this matter and report as to the terms and the time at which it can take place. Now, Sir, the Honourable Minister stated in reply to my interpellation that the Government of India is awaiting the Committee's report, as also that the Committee has been asked to submit its Report and the Chief Commissioner has been asked to give his opinion by the 30th September.

Now, Sir, my submission is this: this report is likely to be received before the Select Committee examines the provisions of this Bill. So far as the provisions of this Bill are concerned, I have already stated that I hesitate to welcome them, because the Bill does not go far enough because it starts on the presumption of the non-existence of *samindari* in Ajmer-Merwara. But still it is a distinct advance upon the unsatisfactory state of affairs prevailing today. One of the great achievements we wanted incorporated in this Bill is the abolition of cesses and lags beyond the share of rent. If you will refer to the Irwin Bill in 1937, no less than 150 lags and cesses were recovered by the feudal chiefs with the result that though the share of rent receivable by the landlord or the feudal chief was only one-third, the other one-third was being snatched away from the tenants in the shape of these cesses and lags, whose number was innumerable. I would not like to waste the time of the honourable House by giving an exhaustive list of these cesses and lags, but I would confine myself to saying that they are more or less of a barbarous age and reminiscent of medieval times. Some of these cesses are payable at the time of payment of rent along with a share of rent while the others are payable occasionally. For example, there are four cesses: *Neotha*, *Chaunri*, *Khanna* and *Ramnam Chaunri* is a marriage tax. Every resident of the village, if there is a marriage of a son or daughter, must make presents to the feudal chief. Then if there is any feast either on the occasion of death or marriage the tenant and every resident of the village must present his feudal chief with dishes; and it will amuse the House to know that these dishes should be the same in number as the kind of food that is served. For instance, if it is *laddoos* that are prepared a number of dishes should go to the feudal chief, and not only to the feudal chief but to his retinue which consists of a number of persons. If it is *halwa* a number of dishes must be furnished. Recently in the last few years these dishes in kind have been commuted in cash; and while the feudal chief receives them in cash his retinue must receive in kind. Similarly if there is any marriage in the family of the feudal chief the average tenant and resident of the village must make his presents to the chief. Then on ceremonial occasions and festivals like *Diwali* and *Holi*, etc. the tenant and

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resident is expected to make some presents in the name of *Ramnam*. These are the conditions there. Mr. Irwin prepared an exhaustive list of these cesses in 1937 and he said that these cesses differ from village to village and in some cases from tenant to tenant. So the great benefit that is sought to be conferred by the provisions of this Bill upon the tenants is that numerous lags and cesses which were being paid in addition to the share of the rent that is prescribed by the Bill have been prohibited and their recovery is made illegal.

Then in this Bill there is a chapter on fundamental rights of the tenant. That chapter consists of clauses 6 to 8; and all those who have experience of tenancy law will wonder why a chapter like this should be included here. That itself shows to what extent the tenants have been exploited in the past.

Then I will mention certain things which the Select Committee should keep in mind. Clause 72 of the Bill provides the scale of rent. The scheme of the Bill is to divide the tenants into four kinds, and that is in clauses 9 to 18,—hereditary and non-occupancy tenants, occupancy tenants and ex-proprietary tenants. Under clause 72 hereditary and non-occupancy tenants will have to pay one-third of the share of the produce, the occupancy tenants one-fourth and the ex-proprietary tenants two-ninth. This is an exorbitant rate and must be brought down to one-fifth, one-sixth and two-fifteenth in the case of the three kinds of tenants specified here. Similarly the Minister should amplify the scope and ambit of this Bill and there should be a provision to allow the tenant to acquire full rights of ownership after the lapse of a certain period and on complying with certain conditions as to compensation as might be deemed just and proper in the particular circumstances and local conditions. Such a provision would make unnecessary any separate legislation for abolition of *samindari* which must come sooner or later.

Again security of tenure which had not existed is provided in clauses 100 to 116. These also need careful scrutiny in select Committee and it should be made impossible for the feudal chief to eject a tenant.

My last suggestion is this. From the time the settlement operations commenced in the *istimardari* area and which were suspended after some time, that is, from 1940 onwards there have been a number of cases of arbitrary ejection by the feudal chiefs. Whenever a tenant did not submit to their orders they took the law in their own hands and ejected him from his holding. These cases of arbitrary ejection should be scrutinised after this Bill becomes law and the persons concerned must either be restored to their holdings or amply compensated.

Sir, I apologise for taking so much time but there were certain points which could not be known to my honourable friends and which I wanted to explain. I request the Honourable Minister to amplify and widen the scope of the Bill so that there may be automatic abolition of *samindari* after a certain period and after certain conditions have been complied with by tenants who have been proved to be in possession of their holdings for generations. Sir, I support the motion.

**Shri Gopikrishna Vijayavargiya** (Gwalior State): Sir, I am very glad that this Bill has been prepared and it goes to the Select Committee, and I support the motion.

Sir, I have travelled widely in this small territory of Ajmer-Merwara and I know the heart of the peasants. I was very much amazed to see the condition of the peasants. Really they were like the slaves of the feudal chiefs who treated them with great harshness. There were large numbers of ejections and they could even be exterminated from their villages. Very curious kinds of cesses were levied on them as was narrated by the honourable member from Ajmer-Merwara. In fact, there is great lawlessness and even if there were any laws, they were lawless laws. We used to wonder how this small piece of territory is administered, which is directly under the administration

of the Central Government. It was called a non-regulated province, that means, a lawless province. It is a matter of great importance that this Bill has at last been brought forward and we shall be able to remove all these hardships of the peasants there. I have nothing more to add except that this is a very important measure in relieving the hardships of the peasants in this unfortunate territory, which has suffered for over a century under the British rule.

**Shri B. Das** (Orissa: General): Sir, I must thank my honourable friend Mr. Mukut Binari Lal for his great efforts in the cause of the improvement of the position of the tenantry of Ajmer-Merwara and the relief he has brought to them through this Bill, and I support this reference to the Select Committee. My friend has given a peep into the feudal India and medieval India, which runs today. British rule brought in barbarian rule also. It was the policy of the British to confer the dignity of Rajas and Maharajas on these *Jagirdars* and *Zamindars* and make them buy motor cars and British goods. They had to extort the tenants. Now that the Congress has brought home the ideal of equality of opportunity for all, we hope the situation will change and these *Jagirdars* will not extort. Therefore, while I congratulate my honourable friend that he has brought lots of advantages to his people, he has to satisfy himself with this agrarian measure now. He can't abolish the *Jagirdars* and uplift the tenants in a day. He had himself admitted that his people are feudal villagers. The Congress Government in spite of its good will cannot in one stroke abolish all *Zamindars* and nationalise all the agricultural lands in India. We have found that it has been difficult in the case of Bihar, Orissa or United Provinces to nationalise the *Zamindari*, because the necessary money is not forthcoming from the Honourable the Finance Minister. The Bihar Government wanted only sixty crores of Rupees from the Government in the shape of bonds or otherwise from the Government of India. The Government could not agree. Therefore, we should go slow. Once Ajmer-Merwara has advanced forward, as my honourable friend the Minister has said, when the Congress comes to the decision that they will abolish *Zamindari* and nationalise land as they want to nationalise other industries,—if the national finances will permit that—I am sure the people of Ajmer-Merwara will benefit equally with the people of India. For the most backward tract in India to claim the most advanced liberation, I think it is perhaps asking too much.

I find in clause 10 a *Jagirdar* who own 6,500 acres will get 437½ acres for himself, his family and dependants. This comes to about seven and a half per cent of land owned by him. We can easily understand how many dependents and relations there are and out of 437½ acres, about 150 or 200 acres would be only left to the *Jagirdar*. We are all familiar with the practice in Rajputana and it is no surprise if a *Jagirdar* has half-a-dozen wives. Another notable improvement is clause 85 under which a tenant could save himself from extortion and cheating. On the deposit of some money, the *Tahsildar* will go to the spot and settle the division of produce between the tenant and the landlord. I welcome those provisions.

Before the 15th of August 1947, the British Residents were using Ajmer-Merwara as their hunting ground. It was more barbarous than many of the Rajputana States. As soon as the Congress movement permeates into those parts, I hope there will be a definite improvement of the conditions of the village folks. With these words, I support the motion.

**The Honourable Shri Jairamdas Doulatram** (Minister for Food and Agriculture): Sir, in view of the general agreement expressed by the speakers with the main purpose behind the Bill, I do not propose to take up much of the time of the House. With regard to the details referred to by my honourable friends Mr. Mukut Bihari Lal and Mr. B. Das, these are matters which the Select Committee will thoroughly go into. I think there is only one major point I may

[Shri Jairamdas Doulatram] mention and that is with regard to what the honourable member from Ajmer-Merwara said with regard to the abolition of the *Zamindari* system in Ajmer-Merwara. The Government and the Congress are pledged to the principle of the abolition of the *Zamindari* system. With regard to Ajmer-Merwara, as the honourable member from Ajmer Merwara himself has realised, unless the tenants who today are tenants at will and whose rights have not been properly recorded, are given a definite status, it is not possible simply to abolish the large areas, somewhere between 1,000 and 1,300 square miles, the rights of these *Zamindari* system, with nobody on whom to confer the right over land. Over tenants have not been properly recorded. Unless we go fully into this matter, and have a proper survey of the whole area and determine who has the right in which part of the land, it is not possible to build a superstructure of complete ownership of land by these ryots, with no intermediaries between them and the Government. As a matter of fact, a large part of the work to be done under this Tenancy Bill may come to be in the way of preparation for the abolition of the *Zamindari* system. Even in this Bill, there are about a dozen chapters which would remain even when the *Zamindari* system is abolished. Of course, there will be some modification of the present provisions. At present a Committee has been appointed by the Advisory Council of Ajmer-Merwara to go into the details.

**Prof. Shibban Lal Saksena (U.P.: General):** May I ask how the lack of proper records stands in the abolition permanently of *zamindari*?

**The Honourable Shri Jairamdas Doulatram:** Because when the zamindar is abolished, who takes the land? We must have a complete survey of the area and a complete record has to be maintained as to who is the tenant. All these are not tenants as in the United Provinces. These are tenants at will; they could be ejected and they have been ejected. Now who is the legitimate owner of a particular holding has properly to be gone into and given a certain status and recognized as occupants. You cannot abolish the *zamindari* system in that way. Therefore, it has been regarded as necessary to have a detailed survey of the land, to have a detailed examination as to the rights of various tenants.

As I was saying a Committee has been appointed and this Committee will go into the details and its report will be of great help to Government also. Then it has to be realized that Government must plan, as I suppose it is being planned in some provinces as to on what lines the future agricultural operations will be carried out. Will they be on an individual basis or co-operative basis or on some other basis? Under what conditions production can be improved and increased after the abolition of *zamindari*? Therefore, exactly what system of agriculture will operate is a matter to be decided before we can easily abolish the *zamindari* system. Therefore I would move that this Bill be referred to the representative Select Committee I have proposed to report within a week after the commencement of the next session.

**Shrimati G. Durgabai (Madras: General):** I suggest that Mr. Sidhva's name might be added to the list of members of the Select Committee. I hope the Honourable Minister will have no objection.

**The Honourable Shri Jairamdas Doulatram:** I have no objection. His name may be added.

**Maulana Haarat Mohan (U.P.: Muslim):** The Honourable Minister has just said that it is the Government policy to abolish *zamindari*. If he proposes to make the *kisani* peasant proprietors, then I think it will be worse than the *zamindari* system, because in the place of two or three or ten *zamindars*, he will create thousands of *zamindars*. So on a point of information I would ask the Honourable Minister to explain what he means by the abolition of *zamindari* and if he wants to replace big *zamindars* and create smaller *zamindars*?

**The Honourable Shri Jairamdas Doulatram:** The question of abolition of *zamindari* is not under discussion now.

**Dr. Deputy Speaker:** The question is:

"That the Bill to declare and amend the law relating to agricultural tenancies, record-of-rights and other matters connected therewith in Ajmer-Merwara, be referred to a Select Committee consisting of Shri Ajit Prasad Jais, Shri Ram Sahai, Shri Gokulbhai Daulatram Bhatt, Shri H. V. Kamath, Dr. P. S. Deshmukh, Ch. Ranbir Singh, Prof. N. G. Ranga, Shri Mshavir Tyagi, Pandit Mukut Bihari Lal Bhargava, Prof. Shibban Lal Saksena, Shri V. C. Kesava Rao, Shrimati G. Durgabai, Shrimati Renyaka Ray, Shri Satish Chandra Samanta, Shri Kishorimohan Tripathi, Shri V. S. Sarwate, Shri Brajeshwar Prasad, Shri Lakshminarayan Sahu, Begum Aizaz Rasool, Shri Mohanlal Gautam, Mr. R. K. Sidhva and the Mover, with instructions to report on or before the last day of the first week of the next Budget Session and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

### INDIAN TARIFF (AMENDMENT) BILL

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

"That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration."  
I do not think that the House will thank me if I were to inflict a long speech in the atmosphere that prevails in the House this morning. I have circulated a fairly lengthy statement, explaining the various proposals, and I think that honourable members would have no objection, if I were to explain very briefly the purport of this Bill.

Sir, if honourable members would turn to the Statement of Objects and Reasons, appended to this Bill, they would find that the object of the Bill is two-fold. The first is to give protection to 12 industries enumerated in that list and secondly to extend the period of protection by three months, in the case of an industry to which protection was given last December by this House. So far as the 12 industries listed in the Statement of Objects and Reasons are concerned, I might explain that with the exception of two, these are cases in which the proposal amounts merely to the conversion of the existing revenue duty into a protective duty without any change at all in the rate of the duty. Now in the case of steel baling hoops and non-ferrous metals alone the question of any tariff adjustment comes in. In the case of non-ferrous metals again the proposal is to convert the revenue duty into a protective duty in respect of certain items, and provide for certain tariff adjustments in regard to other items. Now these are industries who applied for protection as usual to the Tariff Board and the Tariff Board after careful enquiry recommended that protection be given in terms of the present Bill. And this Bill merely seeks to carry out that recommendation. I do not think that I should be justified now to give any details about those cases where the proposal involves merely a conversion from revenue duty to protective duty except for the purpose of pointing out the difference between having a particular rate as a revenue duty and having the very rate repeated as a protective duty. Now, Sir, under section 4 of the Indian Tariff Act, the Government are authorised, if necessary, to adjust the rate of a protective duty, that is to say once the House allows a particular rate to be fixed as a protective duty with reference to any particular industry, then under section 4 of the Tariff Act, the Government have got the authority whenever necessary either to increase that duty or reduce it according to the circumstances prevailing at any time. That is the main advantage, apart from the psychological factor, namely that an industry is assured of protection. So in regard to these items, I do not think I need say anything more.

As regards the two other items where tariff adjustments are proposed to be made, in the case of steel baling hoops the protection is conditional upon the particular firm satisfying some of the requirements laid down by the Tariff Board and accepted by the Government. In the first place that industry is at the present moment run by a particular firm as a private enterprise and it has been laid down by the Tariff Board that this firm would qualify for protection only if it were to convert itself into a public limited company. So here again



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the protection is contingent upon this firm carrying out this particular recommendation. There are other recommendations also on the compliance with which this protection would become effective.

As regards the other item, namely the non-ferrous metals, the proposals are twofold. First we aim at the importation of certain virgin metals and scraps free of duty in order to serve as raw materials for the industries concerned. Secondly, certain protective duties are proposed for the purpose of giving protection to the resulting industry.

Now there is one point to which I should make reference, because I know the House attaches some importance to that, in regard to these two items where a tariff adjustment is proposed. There are differential duties proposed in the Bill; a lower rate of duty being contemplated in the case of articles imported from the United Kingdom and higher rates being intended to be applied against similar articles imported from countries other than the United Kingdom. No one likes this feature of the Bill and no one dislikes it more than I do. But the fact remains that under the present Indo-U.K. Trade Agreement, we have no option in the matter. But I can assure the Honourable House that the question of revising the Indo-U.K. Trade Agreement is under active consideration. But as the House is aware wider issues will have to be decided in defining our political relations with the United Kingdom and this question may have to be considered in that context. So I would beg of the House not to take exception to this feature of the Bill because we are absolutely helpless in the matter, but to wait for a few months during which period we will have made sufficient progress either in the revision of the Trade Agreement itself, or, in the wider context of constitutional issues we may have to consider some more comprehensive treaty of alliance and friendship, including trade relations. Sir, I move.

**Mr. Deputy Speaker:** Motion moved:

"That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration."

If honourable members can be brief it might be possible to close before Lunch. We can even sit up till 1-30 p.m. if necessary.

**Mr. R. K. Sidhva (C.P. and Berar: General):** I do not want to speak at length on this matter. I wish to draw the attention of the Honourable the Minister that this Tariff Board was started for protecting our industries and whenever any question is referred to the Board a common reference is made by the Government to them. I will read an extract to inform the House about the aim and object of the Government in sending these cases to the Tariff Board, particularly bearing in mind whether the industry is worth being supported, whether it is on national lines and whether the consumers' interests are safeguarded. The extract reads:

"That, having regard to the natural or economic advantages enjoyed by the industry and its actual or probable costs, it is likely within a reasonable time to develop sufficiently to be able to carry on successfully without protection or State Assistance; or

That it is an industry to which it is desirable in the national interest to grant protection or assistance and that the probable cost of such protection or assistance to the community is not excessive. Where a claim to protection or assistance is found to be established, i.e., if condition (1) and condition (2) (a) or (b) are satisfied, the Board will recommend—

(i) whether, at what rate and in respect of what articles or class or description of articles, a protective duty should be imposed. . . ."

Then it says that the protective duty should not be for more than three years.

Here there are certain items brought before us and a very exhaustive survey has been made by the Tariff Board in recommending or rejecting some of the proposals sent by the Government. I wish the Government would supply all these copies to honourable members so that they may study them in advance, because I find no literature is being supplied to the members in this respect. It is a very important matter so far as the import duty is concerned, as well as protective duty and revenue, which after all affects the ordinary consumer and which in turn affects the economic condition of the

country, and it is not proper that the House should be given just a two-sheet Bill that such and such items require protective duties.

I was glad yesterday that at least we received in the early morning a note from the office showing for what these protective duties are required. But that is not sufficient. I would have really desired all members to be in full possession of the report because we must know what type of industry it is, whether it is flourishing and whether it is in the national interests. I want the House to take an interest in it. As far as glucose is concerned, I will tell the House that the glucose industry can produce today much more than what is required by the whole of India. I will give you some figures in support of this. Let me say that glucose is manufactured for alcohol, vinegar and particularly for confectionery preparations. Glucose is also meant for medicinal purposes. The import of glucose is 2,500 tons per year, whereas the three glucose factories in India have an output capacity of 3,800 tons per year. In other words they can turn out 1,000 tons more than what we require during the year. But instead of being able to produce 2,500 tons they produce only 846 tons. The reason is that glucose is manufactured from maize and that maize, due to shortage of food, is not available. What should be done? If the Government's intention is to protect the industry, then this food difficulty will go on for five years. If you are out to protect the industry, then you must certainly protect it by giving it a certain allotment for carrying on. After all you must do some good to your industry. But nothing is mentioned by Government whether they are going to give them more raw material required for the purpose.

I therefore feel, though I do not dispute that protective duties are necessary for the expansion of industry, that we should let them flourish so that we may have such industries for a short time to come and we may not have to depend on foreign articles. Today glucose is imported from foreign markets in large quantities. To what extent are you going to help this industry? I am glad to find that they can produce much more than you require and yet you cannot give them the raw materials. Your excuse is good, namely, that since it is required for food, the maize cannot be spared. But how long can you put that excuse in the forefront, although it is reasonable, tangible and necessary. You will have to set aside a certain portion of this commodity for the industry. The Anand Factory produces glucose at Rs. 44 per ton while the Rampur factory produces at Rs. 54 per ton and the Tariff Board recommended that this difference required looking into. I wonder whether Government, after giving protection will ask that factory why their cost is Rs. 10 more? While giving protection they must look in all directions to see that our industry prospers and is brought to such a level as to be able to compete with the foreign article. Today in this matter, even with c.i.f. price we can compete with the foreign goods provided Government gives the industry proper facilities.

Coming to starch: This is required for the textile industry in very large quantities and apart from that it is required for the paper industry also. Here also maize is required. During the war many such factories sprang up. There are in all 45 such factories. Out of that 28 are licensed factories and those factories can produce today 40,000 tons of starch but their actual turn out is very little, because the raw material is not available. I was reading some literature recently and I found that in America they have discovered an alternative to maize. I would like to ask what our Forest Research Institute at Dehra Dun is doing. They have found that tamarind was a suitable alternative to maize. But no attention has been paid and no experiment has been done by our Institute at Dehra Dun, which is run at a high cost. They have not taken the trouble to find out whether there are any alternatives which can be useful for the promotion and expansion of our industry. . . .

**Mr. Deputy Speaker:** Was it tamarind seeds?

**Mr. B. K. Sidhva:** Yes, Sir. Our existing factories should manufacture as much starch as is required by all these industries without any foreign import. And yet we are not able to do anything. If you are going to give half-hearted support to our industries, it is wasting our money, in addition to the consumers' money. The Tariff Board merely give all this material. The reports were made in 1947 and I do not know why they have not come to us earlier. These facts should have been given to us earlier. The Tariff Board report was signed in January 1947. I do not know why such a long time should have been taken and the House has not been given an opportunity to go over the matter. Protection is not a revenue duty. It means the industry should prosper and for that purpose the Tariff Board have made certain suggestions. I would like to know whether Government have taken into consideration those suggestions or not. Otherwise protection has no meaning.

As regards steel baling hoops they were never known in this country. Before the war we always imported these hoops for jute and cotton from foreign countries. During the war one or two industries came into existence and they can produce a large quantity. Steel hoops are a very important industry. The J. K. Industries have a very fine plant and they can produce something like 16,000 tons but certain billets and raw materials are not available. 20,000 tons are required. I shall not go into the question of chloroform, potassium permanganate and sulphurous industries that require help. The Tariff Board has dismissed the demand of the manufacturers of chloroform. They say that they can stand on their own legs and they have not made out a case. As far as sulphuric acid etc. are concerned they desire that protection should be given. My point therefore in conclusion is that I want to tell the Government that merely bringing a Bill for giving a protective duty will not help the industry. We are anxious that we should be self-supporting in regard to all the articles imported from foreign countries. We have in our country certain industries and it is regrettable that the Government have not come forward with a definite plan whereby we can stop the foreign imports, help our economic condition and see that our consumers' interests are safeguarded and also to a very large extent give a fillip to our indigenous industries. I, therefore, would like to know from the Honourable Minister whether he has taken any interest in regards the other recommendations of the Tariff Board, besides the suggestion and recommendation made for a protective duty. Sir, with these words I support the Bill.

**Shri Moturi Satyanarayana (Madras: General):** Sir, I rise to support the Bill that has been placed before the House for consideration . . . .

**Prof. Shibban Lal Saksena (U.P. : General):** Sir, I do not think it would be proper to finish the Bill in half an hour. There are many speakers and amendments. It would be better if we adjourn now and meet for a short while after Lunch.

**Shri T. T. Krishnamachari (Madras: General):** Sir, if need be we shall sit till 2 o'clock and finish the business.

**Mr. Deputy Speaker:** I think the general sense of the House is to continue and finish the business as soon as possible.

**Several Honourable Members:** Yes, Sir.

**Shri Moturi Satyanarayana:** Sir, my support in respect of this Bill is very conditional, as I consider that some of these items have been placed before us—as the Honourable Minister himself stated—so as to be in consistency with an agreement that has been signed and therefore there does not seem to be any option, as the agreement has already been signed and this has to be ratified. But although this has been done in consistency with the agreement that has been signed, this gives us an opportunity to go into the whole question of the Tariff Board and the policy laid down by the Government in respect of giving

protection to various industries. I feel that in deciding the tariffs in respect of industries, the policy of encouraging rural industries has been completely neglected and I think that it is absolutely necessary and essential that the Government must have a policy that there shall be a very heavy tariff in respect of those industries that would be built up in our rural areas. Unless and until the Government decides on a rural economic policy or a cottage industry policy in respect of which there ought not to be any kind of concession or consideration of either a political or academic nature for the purpose of importing or exporting articles, it is not possible for us to develop our rural industries. We have got certain rural industries which can be developed, for instance porcelain, glass and similar industries. During the war there was a great deal of activity everywhere throughout India to support on a cottage basis a few glass industries. The moment the war was over various kinds of glasses began to be imported from outside countries and most of these rural glass factories had to be closed, as they had been organised on cottage lines. If we want the glass industry to compete with foreign industry, it is necessary for us to secure the machinery from outside and it is not possible for us to get this machinery in the near future. It should have been absolutely necessary and it should have been inevitable for the Government to see that heavy tariffs had been imposed, so that these small glass industries here and there were not killed on account of the cheap material that was imported or is being still imported from outside. If Government had decided that this industry should be treated as a rural industry, probably most of these small factories that had been started could have been saved and continued. In most of the countries even small porcelain factories have been organised by the Government on a rural basis. If we had started a small porcelain industry on a rural basis the import of porcelain from outside and its being sold to the rural population would have been easily stopped. If the Tariff Board decides hereafter that there should be a tariff duty, either protective or preventive, it should be done in terms of our industry being divided into two sections, namely rural and urban, and on the basis of things being considered completely necessary for rural or urban consumption as well as for state consumption. Then it would be better. I would request the Commerce Minister to review the tariff policy in the light of what I have said just now.

In the present Bill it has been said that in respect of starch and glucose it is only that what has been decided already is now being put into action. There is no special tariff imposed. But I was listening to the views expressed by my honourable friend Mr. Sidhva. I find that he is in favour of the starch industry being encouraged. I feel that I cannot subscribe to that view. My honourable friend Mr. Sidhva himself stated that in this industry maize is profusely used. Maize is an article of food. There is a food shortage. The starch is used only for textile and paper purposes. The textile and paper industries can afford to pay more and they can buy the starch from outside. Why should we not use the maize that is being utilised for this starch in our country itself? Therefore it is absolutely necessary that we should see that whatever food articles are now used for industrial purposes are obtained from outside, and the industry alone should be asked to bear more charges by importing these from outside. Our maize should not be used for industrial purposes. One may or may not agree with this view, but this is essential now as otherwise it will have grave repercussions on our food policy. Therefore this aspect should also be taken into consideration.

In the matter of giving this tariff protection I find that the Government have got a machinery, namely the Tariff Board. The Tariff Board goes into the details of the type of articles to be protected and the type of protection to be given, and evidence is collected by them. They go from place to place, collect evidence, examine the industrialists and various technical personnel,

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and finally they come to certain conclusions. In spite of all that and in spite of the heavy protection given I see in the market that even now the foreign articles are better in quality than the Indian articles. What is the reason? Although heavy protection is given to many of the industries, although a good subsidy is given, a good bounty is given, and a high tariff imposed, even then the quality of the article is not improving. The reason may be that the industrialists first ask for tariff and then sleep over the matter and do not try to improve the quality of their article. That can be the only reason. Or it may be that although it is a very inferior article in quality people are willing to buy them and they are assured of their profits; and that is why they do not go into the question of improving the quality of their article. If you go to the market and ask for a motor to run a small press or a factory, the electrician advises you that the Indian motor is no good—I take it that the electrician is not interested in getting the motors from outside and getting them consumed. But the fact is there that after two or three years the Indian motors are not giving as efficient service as foreign motors are giving. Here therefore is an item: motors were given very good protection and motors are now produced in large numbers. There was an assurance that the motor industry will go on and improve. There is also a possibility of our becoming self-supporting in regard to the motor industry. But in the matter of quality it is not so reassuring as in the matter of number. It is quite possible the Government are now thinking of numbers and not of quality. It is probably because the number takes away the money it is thought that it does not matter if the quality is not paid attention to. The quality is as important as numbers. The present protection is only to attempt at perfection. Unless and until Government pays sufficient attention to the matter of making every article as perfect as possible it is not right to give the protection. It is good that we have also got such an amount of articles from outside in order to make our people feel what an inferior article is and what a superior article is. For the purpose of encouraging and infusing confidence in our people and also for giving a kind of warning to our industrialists, we must also see that this tariff is imposed in such a fashion that there is always competition for producing an article and that that competition acts as a kind of check if anybody tries to produce an inferior article and tries to give it to the people in the name of patriotism and in the name of swadeshi. Although I am in favour of swadeshi and feel that everything ought to be swadeshi, that incentive should not be killed and it ought to be encouraged. In this matter there is a heavy responsibility on the Government.

It is generally argued that the quality is impaired on account of the non-availability of technical skill or to the non-availability of experience. Those should be supplied and can be supplied only by the agency of the Government. For instance it is said that we have got to give sufficient protection to our plywood industry. It is true that we should give sufficient protection to the plywood industry. But the industry is now giving a certain proportion of the plywood that is necessary for the purpose of making cases and things like that. This article is already tacked on to the various articles that we have to import from outside. Unless and until this plywood comes in profuse quantity it is not possible for making a good money out of this and out of the other manufactured articles. It is absolutely necessary that before we give protection to the industry we should see that we get as much plywood as possible from outside so that all our tea growers may have sufficient cases to export it outside. I hope the Commerce Minister will take into consideration the views that I have expressed and try to bring about a review of the tariff policy in the next session that we are going to have. With these words I give my support to the motion.

**Shri B. Das** (Orissa: General): Sir, I am a whole-hogger protectionist and I was glad to find my honourable friend Mr. Sidhva and myself together and

of one mind today. I remember the days when he and I were together in the Federation of Indian Chambers of Commerce where he and I fought for protection of Industries in India and for the industrial development of the country.

I am glad the Honourable the Commerce Minister referred to the hated preferential tariff to UIC and some dominions and I wish with him that in six or nine months preferential duty would be abolished.

I have only one information to seek from the Honourable the Commerce Minister. Most of the protection given is now being extended up to March 1949 or upto March 1950. I wish to know how Government is going to renew it. If it is to be under Section 4(1), are they going to refer it to the Tariff Board or will the Honourable Commerce Minister do it by executive action in his Department? Then somebody will have to see that the protective duties continue so that the industries are not affected.

**Mr. Deputy Speaker:** Prof. Shibban Lal Saksena.

**Prof. Shibban Lal Saksena:** I have tabled some amendments which I will move at a later stage.

**The Honourable Shri K. C. Neogy:** Sir, I am sorry that my honourable friend Mr. Sidhva is not in his seat just now. He first of all made a complaint that all the papers, particularly the Reports of the Tariff Board, are not supplied to honourable members of this House. I plead guilty to that charge. But I am afraid we are not free agents in the matter because as a result of paper shortage the number of copies of the Tariff Board Report that used to be printed has been considerably cut down, and all that we do at the moment is to keep the library supplied with a sufficient number of sets of these Reports. And from what enquiries I was in a position to make it does not seem that they constitute very popular literature.

**Mr. Deputy Speaker:** May I suggest to the Honourable Minister that in keeping with the earlier practice, as soon as Government comes to a conclusion and passes a resolution, to print and circulate the report as far as possible. If it is possible the practice may be pursued hereafter.

**The Honourable Shri K. C. Neogy:** I was coming to that point. I want to remind the House that in all such cases the Government publish their Resolutions as soon as they come to conclusions on the basis of the Tariff Board's recommendations. For instance, all the proposals that are now contained in this Bill are covered by Government Resolutions which were published in the Gazette of India on the 12th April, on the 10th May and on the 4th June. As a matter of fact, those Resolutions give a full summary of the recommendations of the Tariff Board and also indicate the conclusions which Government had arrived at with reference to all those various recommendations. If my honourable friends were to properly utilise the Gazette, a copy of which is sent to all of us regularly, then perhaps a wide awake member like my honourable friend Mr. Sidhva would be in a position to call for further information from the Ministry concerned. I can promise him that the moment any inquiry of this kind is received, it will be promptly attended to and whatever assistance is possible to be given by the Ministry will be gladly supplied.

Sir, my honourable friend referred to a few specific points to indicate that there are several steps other than mere tariff amendments or adjustments, that have to be taken for the purpose of giving protection to some of these industries. As a matter of fact, if my honourable friends refer to the Resolutions that I have mentioned, they will find that some of the recommendations which do not require any tariff adjustment are tabulated there, and it is also indicated there as to what action Government have taken or propose to take in

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those matters. For instance, take the case of tamarind seed being utilised for purposes of starch; actually research has been undertaken in this matter.

Another point was made by my honourable friend that these proposals might have been brought forward much earlier. All that I have to remind him about is that when a Tariff Board Report is received, it is subjected to a very careful scrutiny. In the first instance it is examined by a Committee of officers representing primarily the Finance, Commerce and Industries Ministries, and sometimes the Food Ministry and other Ministries also come into the picture. It is after they have completed their examination that the three individual Ministers—the Minister of Finance, the Minister for Industries and Supplies, and the Commerce Minister—individually as Ministers, have to go into the whole matter. It is only when these three Ministers come to an agreement that the matter is taken to the Cabinet. I wanted to indicate this procedure for the purpose of satisfying the House that the utmost care is taken, not merely by the Tariff Board for the purpose of inquiring into these claims for protection, but also by the Government, before they come to any conclusion. This, of course, is a rather dilatory procedure but it cannot be helped.

But apart from that, my honourable friend would remember that the partition of the country and the stand-still agreement between India and Pakistan that continued for some time and which in a way laid down some kind of a uniform economic policy so to say for the time being, all these factors made things rather uncertain. We could not therefore come forward with any specific proposals of this kind for the assent of this House earlier.

**Mr. Deputy Speaker:** Would the Honourable Minister consider the desirability of placing these matters before the Standing Committee also?

**The Honourable Shri K. C. Neogy:** I shall certainly consider that suggestion.

There is just one point which my honourable friend Mr. B. Das referred to, to which I should like to reply. My friend wanted to know that having regard to the short period of time during which the protection would be in operation, what did the Government propose to do if, for instance, protection were to be continued thereafter. Well, invariably in such cases the matter has to go up to the Tariff Board once again. The Government is not expected to go on continuing protection by taking advantage of any provision of the law that there may exist—I do not suppose there is any such law which empowers Government to do so, but even assuming there was—Government would never think of availing themselves of that power and avoid coming up before this House. But apart from that one other important point that I should like to mention is that according to a recent decision, the Tariff Board's sphere of activity has been considerably widened. Hitherto the Tariff Board was concerned only with examining a particular application when it was sent to them for inquiry and after they had made their recommendation they had nothing further to do with that particular industry. But now according to a recent decision the Tariff Board would be expected to keep a continuous watch on the protected industries with a view to securing fulfilment of the commitments that may have been made to effect improvements in production, improvement and maintenance of standards etc. so as to avoid any protected industry becoming an undue burden on the community. As they go on looking into the affairs of each industry, they would be in a position to give whatever advice they think necessary for the purpose of improving matters. This, I take it, will be approved by the House as a step that will remove much of the misapprehension that seems to prevail in regard to some of the points mentioned by some of my friends. Heretofore the Tariff Board was a kind of a detached

body which was concerned only in making an inquiry and making its recommendations; hereafter it will be more closely associated with industries for which protection has been recommended by them and adopted by the Government with the approval of this House. In future they will be acting as a kind of 'friend, philosopher and guide' for these industries, and I think that is a feature of the future functions of the Tariff Board which will be approved by the House and will lead to a lot of improvement in the industries themselves.

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

"That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration."

The motion was adopted.

**Shri B. Das:** Sir, on a point of information, how can the Honourable Minister who has introduced the Bill, move an amendment? Some other Minister has to move it.

**Shri T. T. Krishnamachari:** It has been done before.

**Mr. Deputy Speaker:** It is permissible, though it is advisable for the Honourable Minister to ask some other member to do it. I do not see any illegality in it; this point came before the House on a prior occasion and it was ruled that it is open to the Minister to bring forward an amendment to his own motion, but it is always desirable to have it moved in the name of some other member.

Any way that amendment is in Clause 1. We shall now take up Clause 2 first. There is an amendment by Prof. Shibban Lal Saksena. As it seeks to enhance the protective duty it requires the sanction of the Governor-General. May I know if he has obtained it?

**Prof. Shibban Lal Saksena:** I have applied to the Secretary to ask for permission.

**Mr. Deputy Speaker:** No reply has been received. No sanction has been given. I rule the amendment out of order.

**Prof. Shibban Lal Saksena:** I may say a few words, Sir, I think. I am sorry that sanction has not been received, but I have given notice of an amendment to Clause 2 which would have removed the discrimination between British and non-British goods and there would have been the same tariff duty provided for all.

**Mr. Deputy Speaker:** I have given my ruling. I may explain to the honourable member, if necessary. Whatever may be his object, I am not questioning the *bona fides* or the advantages. The duty that was imposed was 80 per cent for British goods. The honourable member wants to raise it from 80 per cent to 40 per cent. It is imposition of additional duty. That is not permissible. Therefore, whatever the justification, sanction of the Governor-General is necessary.

**Prof. Shibban Lal Saksena:** Sir, I do not want to move my amendment, but I wish to say a few words on this subject. I am very sorry that in this Bill, probably the first tariff Bill that we as a sovereign legislature are passing, we should have retained this Imperial Preference. Today the House is in no mood to discuss this at length. We are probably aware of the momentous statement made by the Honourable Prime Minister this morning. Probably our troops have marched towards Hyderabad. So we are in an indifferent mood, but this is an important Bill. When I read the debate in the Assembly on the Ottawa Agreement, I have seen volumes and volumes of



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speeches by honourable members and probably the Honourable Commerce Minister himself was one of those who spoke against it. It is an irony of fate that today he should sponsor a Bill siding with Imperial Preference. It is an irony of fate that he should state that because our relations with Britain have not been settled, therefore, it is not possible to have this Treaty annulled.— I do not know what particular kind of association with Britain we are trying to have. I should tell the Honourable Minister that after passing the Resolution declaring India as a sovereign Independent Republic, it cannot have any other relationship with the British Commonwealth and as such, when we have decided that we shall be free, I see no reason whatsoever to come and say that because our relationship with Britain has not been settled, we want to continue the Treaty. Whatever else may happen, I think the Resolution that we have passed that India shall be an Independent Sovereign Republic should not be changed. After our constitution is passed, and after we are thoroughly independent, perhaps we shall be in a better position to have bargaining power and determine our relations with Britain, America or anybody else. But I do not want that because of this Treaty we should keep this Imperial Preference and this special relationship with Britain. Britain is a free country and with America her relations are more intimate. So when India is free we can certainly determine our relationship. But simply because our relations with Britain are not yet settled, I do not agree that Imperial Preference should be continued. I want to protest against this Bill. It is really something against our cherished ideals and we have been opposed to Imperial Preference not today, but since 1932 when the Ottawa Act was passed. I want this clause to be removed from the Bill and I wish that the Honourable Minister could see his way to annul this treaty which forces us to keep these things. It is not proper for India as a sovereign nation to discriminate between Britain and other countries. She should treat all countries on a par. We have already declared that we are a neutral country and we should not align ourselves with any particular bloc. In view of that declaration, we must remove all semblances of a suspicion about special treatment to Britain. I therefore wish that the Honourable Minister would see his way to amend this clause to see that there is no Imperial Preference in this Bill.

Then, Sir, this Bill imposes protective duties. I am not opposed to protective duties as such, but I do want that deserving industries should be given protection. There was a time when we should have given protection to any industry, but with our freedom the position is changed. My experience, as I have repeatedly stated in the case of the sugar industry, is the time has come when the protection should be removed. It should be able to compete in the world market. We should not give protection to everything even though it may be inefficient. India could have a sugar market which will be able to compete with the world market; we can produce enough for our requirements and even for export outside. So I am not wholly in favour of protection being granted indiscriminately after we have become a free country. I wish to see a different kind of protection. We must give protection where we could not compete with the world market. Items included here deserve protection and I support this. In fact, I want, this duty to be increased, as they show preference to Britain. Although the principle of protection is not one which we can go the whole hog, still I think protection must be given to industries which are in an infant state and need to be developed. Secondly, I do wish that the Honourable Minister will see his way to remove this blot of imperial preference from the Statute Book. With these few words, I appeal to the Honourable Minister to give us an assurance that he would not push this principle through.

**The Honourable Shri K. O. Neogy:** I do not know whether my honourable friend was in the House when I made my opening remarks.

**Prof. Shibban Lal Saksena:** I was.

**The Honourable Shri K. C. Neogy:** I thought I had anticipated him there. I pointed out that we have inherited this Indo-U.K. Agreement from the previous Government.

**Prof. Shibban Lal Saksena:** We can end that inheritance.

**The Honourable Shri K. C. Neogy:** Yes, we can. As a matter of fact I said the question of the revision of this Agreement is under consideration, and I also pointed out that the matter may assume a very much wider scope. That would depend upon what political relations would subsist between India and U.K. The whole question deserves to be considered comprehensively; and as a matter of fact we are not doing anything new. In a sense we are adopting a principle which has been known in the past. If my honourable friend would look up the Indian Tariff Act, and the Schedule attached thereto, he would find in each page a column which says: Preferential rate of duty if the article is produced or manufactured in one column: "U.K." and in another column. "British colonies." So my honourable friend's objection goes to the very root of the Indian Tariff Act and it does not relate to this small Bill.

**Prof. Shibban Lal Saksena:** What I say is this: our relations with Britain need not affect this thing.

**The Honourable Shri K. C. Neogy:** It is rather a complicated matter. I may as well point out—though I do not attach any great importance to that Pact—that India also gets certain tariff advantages as an equal partner from the colonies and the British Empire as a *quid pro quo*, although opinions differ as to the value of those concessions. It would not do for us unilaterally to put an end to one part of the Agreement while the other part of the Agreement remains in operation.

**Prof. Shibban Lal Saksena:** I am asking for the abolition of the whole thing.

**The Honourable Shri K. C. Neogy:** As a matter of fact, that requires very comprehensive examination and as I promised him, the examination is being done at the moment. I do not think I need reply to any other point.

**Mr. Deputy Speaker:** May I know if all these items which are embodied in this Bill are mentioned specifically in the Agreement with Britain for special preference?

**The Honourable Shri K. C. Neogy:** These are items that are covered by the Agreement. I have the Agreement before me and they specify there the nature of the articles in regard to which preferential rates of duty will be allowed.

**Mr. Deputy Speaker:** There is no new article?

**The Honourable Shri K. C. Neogy:** No.

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

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

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

"That in sub-clause (2) of clause 1 of the Bill, the words, brackets and figure 'of sub-section (1)' be omitted."

These words are actually redundant.

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

"That in sub-clause (2) of clause 1 of the Bill, the words, brackets and figure 'of sub-section (1)' be omitted."

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 Preamble were added to the Bill.

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

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

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

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

The motion was adopted.

**Mr. Deputy Speaker:** The House now stands adjourned *Sine die*.

*The Assembly then adjourned Sine die.*