

Tuesday, 14th August, 1951



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

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Fourth Session

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PARLIAMENT OF INDIA

1951

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

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PARLIAMENT OF INDIA

Tuesday, 14th August, 1951

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

[MR. DEPUTY-SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

JAMA MASJID

*212. **Shri Raj Kanwar:** Will the Minister of Education be pleased to state whether there is any proposal to bring the Jama Masjid within the purview of "protected monuments"?

منسٹر آف ایجوکیشن (مولانا آزاد):

نہیں۔ اس طرح کی کوئی تجویز ابھی گورنمنٹ کے سامنے نہیں آئی ہے۔

[The Minister of Education (Maulana Azad): No, Sir.]

श्री राज कान्बर : क्या मैं यह दरियाफ्त कर सकता हूँ कि कोई खास बबूहाब हैं जिन की बिना पर इस बराहूर और सवारीबी इमारत का नाम प्रोटेक्टेड बान्-मेंट्स की सेहरिस्त में नहीं लाया गया है ?

[Shri Raj Kanwar: May I know whether there are any special reasons for not including this famous and historical building in the list of protected monuments?]

مولانا آزاد: اس کی کوئی خاص

وجہ تو اس وقت نہیں بتائی جا

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سکتی۔ مگر ابتدا سے جامع مسجد دہلی اور بادشاہی مسجد لاہور۔ یہ آرکیالاجکل ڈپارٹمنٹ کی لسٹ میں نہیں رکھی گئیں۔ جہاں تک جامع مسجد دہلی کا تعلق ہے انریبل ممبر کو غالباً معلوم ہوگا کہ سنہ ۵۷ کے بعد یہ مسجد گورنمنٹ نے ضبط کر لی تھی اور شاید تین یا چار برس تک یہ بند رہی۔ اس کے بعد نواب رامپور نے کوشش کی اور گورنمنٹ نے اس شرط پر یہ مسجد باگواشت کی کہ ایک نمہ دار کھتی ہو۔ وہ اس کا انتظام کرے اور جب گورنمنٹ کو ضرورت ہوگی وہ اسے واپس لے لےگی۔ چنانچہ ایک کھتی ملی اور اس وقت سے اس کھتی کے ہاتھ میں اس کا انتظام ہے۔ چونکہ یہ ایک آباد مسجد تھی اسلئے غالباً کوئی ضرورت نہیں سمجھی گئی کہ اس کو ان عمارتوں کی لسٹ میں رکھا جائے کہ جو آرکیالاجکل ڈپارٹمنٹ نے اپنے ہاتھ میں رکھی ہیں۔ لہٰذا میں یہ کہنا چاہتا ہوں کہ یہ تو محض ایک ٹیکہکل بات ہے کہ اس پر

کوئی نختی لکائی گئی ہے یا نہیں
جامع مسجد ہلدوستان کی تارپتی
عماروں میں سے ہے اور اگر کہی
اس کی حفاظت کا یا مرمت کا
سوال آیا تو گورنمنٹ کو ایک مدت
کیلئے بھی تامل نہیں ہوگا کہ وہ
پوری طرح اس کی حفاظت کرے
اور مرمت کرے۔

[Maulana Azad: There is no special reason that I am aware of at present. But from the very beginning the Jama Masjid of Delhi and the Badshahi Mosque of Lahore were not included in the list of the Archaeological Department. So far as the Jama Masjid of Delhi is concerned the hon. Member might probably be knowing that the mosque was confiscated by the Government soon after 1857 and it remained closed for about three or four years. After some time through the efforts of the Nawab of Rampur, the Government agreed to restore the mosque on the condition that a responsible committee should be constituted which should look after its affairs and that the Government reserved the right to take it back whenever necessary. Accordingly a committee was formed and since then the committee has been managing its affairs. It was probably for the reason that it was a mosque in use that no need was felt to include it in the list of those monuments which are under the supervision of the Archaeological Department. But I would like to point out that it is a mere technicality whether a board is hung there or not. Jama Masjid is one of the noted historical buildings of India and as such if ever a question of its protection or repairs comes up, the Government would not hesitate for a moment to do all it can for its protection and repairs.]

श्री राज कंबर : क्या यह सही है कि
जामा मस्जिद की किसी दीवार में या
सैकशन में शिगाफ़ हो गये हैं, और यह
बात सही है तो गवर्नमेंट ने इसके बारे
में क्या इन्तज़ाम किया है ?

[Shri Raj Kanwar: Is it a fact that
cracks have been noticed in some wall

or section of the Jama Masjid? If so, what steps have been taken by the Government in this matter?]

مولانا آزاد : نہیں - جہاں تک
گورنمنٹ کے علم میں حالات آئے
ہیں یہ بات نہیں معلوم ہوئی ہے
کہ اس کی دیوار میں کچھ شکاف
پڑ گئے ہوں - جو بات معلوم ہوئی
ہے وہ یہ ہے کہ اس کی جو ایک
مینار ہے اس کی چھتری میں اور
نیچے کی محرابوں میں کچھ کمزوری
آئی ہے - ابھی سفر سے واپس آنے
کے بعد جب یہ حالات میرے علم
میں آئی تو میں نے آرکیالاجکل
ڈپارٹمنٹ کے ڈائریکٹر کو ہدایت کی
کہ وہ فوراً انجینئرز لے کر اس
کی تحقیقات کریں اور رپورٹ پیش
کریں - میں اس رپورٹ کا انتظار کر
رہا ہوں -

[Maulana Azad: No, so far as Gov-
ernment's information goes, it could
not be said that a wall of the mosque
has cracked. All that has come to its
knowledge is that a canopy of a
minaret and the arches under it have
gone weak. When I learnt this on
return from my tour, I instructed the
director of the Archaeological Depart-
ment to investigate the matter im-
mediately with the help of the engineers
and submit a report which I am
awaiting.]

श्री राज कंबर : क्या कोई मरम्मत
का एस्टिमेट बन चुका है ?

[Shri Raj Kanwar: Has any estimate
of the repairs been made?]

مولانا آزاد : نہیں - یہ تو اب
رپورٹ جب آئے تب دیکھا جاسکتا
ہے - جامع مسجد کا تعلق اب ایک
خاص کمیٹی سے ہے اور جامع مسجد
کی خود بھی آمدنی ہے اور فتح پوری

مسجد کی بھی آمدنی ہے۔
 اور اگر رپورٹ آنے کے بعد معلوم ہوا
 کہ واقعی اس کی مرمت کی ضرورت
 ہے اور جامع مسجد کا فنڈ اس کے
 لئے کافی نہیں ہوتا تو گورنمنٹ
 پوری طرح کوشش کریگی کہ جس
 قدر بھی خرچ کی ضرورت ہو وہ
 اس کی مرمت کرے۔

[Maulana Azad: No, that can be done after we get the report. The Jama Masjid is now the concern of a special committee and it has its own sources of income. The Fatehpuri Mosque has also its own income. If, after the report is received, it is found that it really stands in need of repairs and the funds of the Jama Masjid are insufficient to meet the expenditure, the Government would make all efforts to get it repaired whatever the cost.]

श्री सिधवा : इस देसभाल कमेटी के पास काफी पैसा है या नहीं मैं यह जानना चाहता हूँ।

[Shri Sidhva: I want to know whether the Managing Committee has enough funds or not.]

مولانا آزاد : جامع مسجد کی
 دوکانوں اور فتح پوری کی دوکانوں
 کی اچھی آمدنی ہے۔ کئی ہزار
 روپیہ ماہ وار کی آمدنی ہے۔ لیکن
 میں ابھی تھیک مقدار نہیں بتا
 سکتا۔

[Maulana Azad: The shops of the Jama Masjid and the Fatehpuri yield good incomes—several thousand rupees per month. But I cannot give the exact amount.]

श्री एस० बी० नायक : क्या निजाम
 हैदराबाद ने डेढ़ लाख रुपया मदद देने
 का ब्याक करमाया है ?

[Shri S. V. Naik: Has the Nizam of Hyderabad expressed his desire to donate one and a half lakh of rupees for the purpose?]

مولانا آزاد : آجکل ؟

[Maulana Azad: At the present time?]

श्री एस० बी० नायक : हा, इसी मरम्मत
 के लिये।

[Shri S. V. Naik: Yes, for these repairs.]

مولانا آزاد : نہیں۔ میرے علم
 میں یہ بات نہیں آئی۔ لیکن میں
 آپ کو یہ بات یاد دلا دوں کہ سنہ
 ۵۷ کے بعد جب یہ مسجد پھر
 باکڑاشت کی گئی تو جہاں تک
 مرمت کا تعلق ہے اُس وقت جو
 مرمت کی گئی وہ نواب رامپور کے
 روپے سے کی گئی تھی۔

[Maulana Azad: No, I am not aware of it. But I may tell you that after 1857, when this mosque was repaired after having been restored, the charges for its repairs were met by the Nawab of Rampur.]

श्री एस० एन० दास : क्या मैं जान
 सकता हूँ कि अभी तक गवर्नमेंट ने कभी
 इस इन्तजाय करने वाली कमेटी को कितनी
 रूप में रुपया दिया है ?

[Shri S. N. Das: May I know whether the Government have on any occasion in the past given any financial help to the Managing Committee?]

مولانا آزاد : جہاں تک
 معلوم ہے غالباً نہیں دیا گیا۔

[Maulana Azad: So far as I know, probably not.]

ECONOMIC AID TO BACKWARD COUNTRIES

'213. Shri Krishnanand Rai: Will the Minister of Finance be pleased to state:

(a) whether U.N.O. has set up any organisation of its own to lend money to the Governments of the countries which are economically backward;

(b) if so, whether India is going to have any share in such an organisation; and

(c) whether U.N.O. has asked the Government of India to establish a Central Economic Unit for surveying its development programmes, if so, what is being done in this respect?

The Minister of Finance (Shri C. D. Deshmukh): (a) No.

(b) Does not arise.

(c) No.

Shri Krishnanand Rai: May I know whether there are any development projects in India at present for which the U.N.O. has offered help?

Shri C. D. Deshmukh: No, there has been no direct offer of help from the United Nations Organisation. Special agencies have offered help, one of these is the International Bank itself.

Shri R. Velayudhan: May I know whether the Government of India have in view the asking of help from any country of the West? The Finance Minister made a statement in a speech at Poona that there was a proposal for an American loan for India. May I know whether he is going in for it?

Shri C. D. Deshmukh: In the first place I did not make any such statement. I said there was a possibility of assistance. It is quite different, and that had reference to the appropriation which has been made for foreign assistance. And I thought there was a chance of some of it coming our way. But we ourselves have not asked for anything, except for the wheat loan about which particulars are already known to the House.

Shri A. C. Guha: Is there any proposal from the U.S.A. to help any of the Asian countries, including India, and if so what are the proposals?

Shri C. D. Deshmukh: That I think is a matter of common knowledge. There are press reports about the appropriations having been made and sums having been set apart for economic cooperation with countries in South and South-East Asia. I do not believe any special portion has been ear-marked, at least to the knowledge of the public, to India.

OUTSTANDING FINANCIAL ISSUES BETWEEN INDIA AND PAKISTAN

*214. **Shri Sidhva:** Will the Minister of Finance be pleased to refer to his statement of the 30th May 1951 in connection with the discussions which took place between the two Finance Ministers of India and Pakistan and state:

(a) whether any finality has been reached on the various subjects which were held over;

(b) when the contemplated conference in Karachi is to be held and whether any communication has been received from the Pakistan Government since the statement was made by the Finance Minister; and

(c) whether such preliminary doubts as had arisen in the last conference will be removed through negotiations or through correspondence before the next conference takes place?

The Minister of Finance (Shri C. D. Deshmukh): (a) No, Sir.

(b) The date for the next conference has not yet been fixed and no communication has been received from the Pakistan Government on the subject so far.

(c) Yes, Sir. This will be done where possible.

Shri Sidhva: May I know what is the exact position? Is there no response from the other side? Or have we made an offer and they are not replying to it? What is the position?

Shri C. D. Deshmukh: The House will remember that I placed a statement on the Table of the House soon after the conference, which detailed the issues which were taken up in that conference. On a number of issues raised there was no disagreement on the actual figures involved; but the conference was held over for some kind of overall settlement. Now, there are three important matters which were left over. One concerns the supply of food to Pakistan during the interim period.

Shri Hussain Imam: Food to Pakistan?

Shri C. D. Deshmukh: Food to the joint army which was looking after the border disturbances. The Food and Agriculture Ministry had been asked to take up this matter as regards the actual figures. Otherwise there was no dispute about that, I think.

Then there are certain items regarding claims to third parties to Bengal and Punjab. There certain suggestions were made to them as to whether a neutral bank account could be opened where outstanding claims could be registered and paid by joint authority. We had no response in regard to that suggestion from Pakistan.

The third and most important item is the financial settlement with

between the Punjab and Bengal as well as the settlement between the Centre and Pakistan. There the difficulty was in regard to the finalisation of the accounts. We on our part, have told the Comptroller and Auditor-General to close the account *pro forma*, so as to furnish some kind of provisional basis for determining a figure. And we have received communications from the Pakistan Government indicating the sort of procedure that should be followed for working out the preliminary figure in regard to the accounts between the Punjab and Bengal, so that it would be true to say that efforts are being made by both sides to get nearer a solution.

Maulvi Wajed Ali: May I know whether any agreement has been reached about the postal transactions, communications and banking facilities between Pakistan and India, which was one of the items on the agenda of the meeting?

Shri C. D. Deshmukh: That has not gone any further.

Shri A. C. Guha: May I know if the provident fund, savings bank and pension accounts were also included in the items still pending? If so, what arrangements have been made?

Shri C. D. Deshmukh: What was included and what was not are contained in the statement which I have placed before the House. Since then no progress has been made.

Shri Hussain Imam: Sir, may I draw your attention to the fact that the statements laid on the Table of the House have not been printed along with the proceedings. The printing of the proceedings is in arrears for a very long time. We are very much handicapped by the non-publication of the proceedings and the statements laid on the Table during the last session. This is a standing complaint and I seek your help.

Mr. Deputy-Speaker: I can only ask the office to place some more copies in the library as soon as a statement is placed on the Table of the House. I shall ask them to place a few copies of the statements that have not been printed, so that hon. Members may look into them.

Shri A. C. Guha: Have Government made any provisional arrangement about the payment of provident fund, pension and savings bank deposits pending the final decision of the Pakistan Government?

Shri C. D. Deshmukh: I should like to have notice.

TATA IRON AND STEEL COMPANY SHARES

*214-A. **Shri Sidhva:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that Government have appointed the Attorney General of India, as arbitrator to fix up the ratio between the Deferred and Ordinary Shares of the Tata Iron and Steel Co., Ltd.;

(b) if so, for what reasons and whether any decision has been arrived at;

(c) whether Government have decided to give any loan to the Company; if so, to what extent; and

(d) whether the appointment of the Attorney General has any bearing on the grant of loan?

The Minister of Finance (Shri C. D. Deshmukh): (a) No, Sir. The Attorney-General has been requested by the Tata Iron and Steel Company to undertake the valuation of the Deferred Shares of the company in pursuance of its scheme of conversion of these to ordinary shares.

(b) Does not arise.

(c) No decision has been taken in the matter.

(d) Government have indicated to the company that before any loan can be granted to them, Government would like to be assured that the conversion scheme will be carried out.

Shri Sidhva: What will be the total amount of the loan, if granted by the Government of India, after the conversion is carried out and when will it be repayable and what is the rate of interest?

Shri C. D. Deshmukh: All these details are yet to be settled.

Shri Sidhva: When this proposal of the conversion of loans from deferred to ordinary was made by the Government, may I know whether Government did not add any statement of the amount of loan required and the rate of interest?

Mr. Deputy-Speaker: The hon. Member is arguing the matter. All these will arise after the preliminaries are settled.

Shri Sidhva: May I know if the company made a request for any particular amount?

Shri C. D. Deshmukh. The company have indicated a figure. It will be convenient if that figure is given out when the final decision on the loan, regarding its terms and conditions, is taken.

Shri Hussain Imam: Will the Finance Minister state whether in case of valuation any legal point or actuarial point is involved. It looks to me more like actuarial valuation than legal valuation.

Shri C. D. Deshmukh: I cannot claim to be familiar with the precise nature of the dispute. It is a matter for the shareholders and that is why the assistance of an expert has been called. It is probably neither legal nor actuarial; it may be a financial point as between the two types of shareholders.

Shri Hussain Imam: May I know whether it is a fact that a proposal was made in the Government memorandum asking that all deferred shares should be (I am referring to the Commerce Ministry's memorandum) converted into ordinary shares in a certain proportion and that is still under consideration?

Shri C. D. Deshmukh: I cannot recall to mind the memorandum referred to but in the informal suggestion on which the appointment of the Attorney General was made there was no figure mentioned but only the desirability was mentioned of converting these deferred shares.

Shri Hussain Imam: Is it a fact that in the past a proposal was mooted and placed before the shareholders of giving five ordinary shares for one deferred share and that was rejected by the shareholders?

Mr. Deputy-Speaker: Is it necessary to go into these matters? It is an internal arrangement.

Shri Hussain Imam: If the help of the Attorney General has been taken it would mean that it has the tacit support of the Government. I want to know whether Government are really taking an interest and giving some directions. I want to have the point clarified for the shareholders.

Mr. Deputy-Speaker: I do not think that all these details arise out of the question. However, I have no objection if the Finance Minister answers the question.

Shri C. D. Deshmukh: We gave no direction nor have thought it necessary to give any direction. It was as a result of our informal suggestion that the issue be settled that the company appointed Mr. Setalvad as arbitrator to undertake the valuation and the appointment was made by the company itself in the personal capacity of Mr.

Setalvad rather than in his capacity as Attorney General of India.

Shri Sidhva: My question was that Government made a condition that the loan could not be granted unless this conversion took place. I wanted to know why this condition was made by Government.

Shri C. D. Deshmukh: I do not think a question like that was put before. There is no question of any point in it.

Shri Sidhva: Government have not made that condition?

Shri C. D. Deshmukh: This question was not put by the hon. Member before. It is quite easy to answer it. The Tata deferreds are a highly speculative counter, on the basis of which many speculative movements take place in the stock exchange. The Tariff Board in their last report on the steel industry made a strong recommendation to the effect that these shares should be converted into ordinary shares and the Government in their resolution on the Board's report endorsed this view. That is why the suggestion was made.

AIR FORCE GOODWILL MISSION

*215. **Dr. Ram Subhag Singh:** Will the Minister of Defence be pleased to state:

(a) whether an Indian Air Force Goodwill Mission was recently sent to the Far East;

(b) if so, what was the personnel of that Mission; and

(c) how many countries of the Far East that Mission visited?

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

(b) (i) Air Marshal R. Ivelaw Chapman, KBE, CB, CBE, DFC, AFC.

(ii) Wg. Cdr. H. S. Moolgavkar.

(iii) Wg. Cdr. L. C. Varma.

(iv) Wg. Cdr. K. Narasimhan.

(v) Sqn. Ldr. I. H. Latif.

(c) Three (Burma, Malaya and Thailand).

Dr. Ram Subhag Singh: What was the purpose behind sending this mission to the Far East when important countries in that region like Indonesia, Philippines were not visited by that mission?

Major-General Himatsinhji: The visit was a goodwill liaison mission.

order to contact and make a comparative study of administration, training, operational efficiency, etc., of the Air Forces in these three countries. The reason why we have not gone to other countries is because we have not been invited.

Shri R. Velayudhan: May I know whether any goodwill mission visited India from those countries to see the operational arrangements in India?

Major-General Himatsinhji: We are expecting such visits soon. So far, some officers of the Indonesian Air Force have visited us and stayed with us for training for some time.

Shri Syamnandan Sahaya: Do we expect such a delegation from Pakistan also?

WORKING OF NEW INSURANCE ACT

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

(a) how many insurance companies both Life and General, exist in India;

(b) how many are foreign;

(c) whether the provisions of the Insurance (Amendment) Act, 1950 as regards the maximum expenditure to be incurred by insurance companies have come into force; and

(d) whether there is any company on which Government control is considered necessary due to defective management or financial position?

The Minister of Finance (Shri C. D. Deshmukh): (a) 343 insurance companies both Life and General are at present registered under the Insurance Act, 1938.

(b) 105.

(c) Yes.

(d) Yes.

Shri Sidhva: May I know the detailed information regarding part (d) of the question? The hon. Minister stated that there are some companies which have defective management and that control has been taken over. May I know what were those companies and what was the defective management?

Shri C. D. Deshmukh: So far the Central Government have appointed administrators for four companies—

The Union Life and General Insurance Co. Ltd.

The Jupiter General Insurance Co. Ltd.

The Empire of India Life Assurance Co. Ltd.

The Tropical Insurance Co. Ltd.

In general the charge was, of course, bad management but it would take too long to give the details leading to the passing of this order.

Mr. Deputy-Speaker: It is not necessary to give it.

Shri Sidhva: May I know whether any defalcations were found in these companies which necessitated the appointment of administrators?

Mr. Deputy-Speaker: Interference by the Government was found necessary. Is the hon. Minister prepared to go into the individual defalcations?

Shri C. D. Deshmukh: I don't think anything could be characterised as defalcation—it would not be doing justice to the subject if I just labelled something and called it defalcation; either I must give the details fully or I must refrain from giving an answer.

Mr. Deputy-Speaker: The object of rehabilitation of those companies will be frustrated if these details are given on the floor of the House and panic is created in the minds of policy-holders.

Dr. Deshmukh: May I know if the working of the Act and some of its stringent provisions have been found to cause hardship to certain companies and whether any complaints have been received that some portions of the Act are working harshly?

Shri C. D. Deshmukh: That is a very general question. I cannot readily recall to mind any representation, but it is possible that from time to time the insurance companies or their associations draw attention to some provisions which they don't find entirely convenient.

Dr. Deshmukh: Has the hon. Minister seen the amending bill of which I have given notice to remove some of the hardships?

Shri C. D. Deshmukh: I saw it some time ago but I don't think the hon. Member requires information on that bill?

Dr. Deshmukh: I would like to know if the hardships I have pointed out have been brought to the notice of Government and whether they don't agree with me that those hardships ought to be removed.

Mr. Deputy-Speaker: When there is a separate bill why discuss the provisions here?

Shri Hussain Imam: May I ask the hon. Finance Minister to indicate if his office has reported any lacunae in

the Act which made this mismanagement or bad management possible?

Shri C. D. Deshmukh: No, I don't think so.

Shri Hussain Imam: Will Government make enquiries on the subject and find out how it was possible to embark on certain investments and lendings which were not quite all right?

Shri C. D. Deshmukh: Well, we know how it happened but it is not quite as easy to say how much a thing could be prevented in the future.

Shri Hussain Imam: Would it not be possible to arm the Reserve Bank with certain powers over lendings of these companies?

Mr. Deputy-Speaker: That is a suggestion for action. Hon. Members have got other opportunities to make such suggestions.

POLITICAL PARTIES DECLARED UNLAWFUL

*217. **Shri Kamath:** Will the Minister of Home Affairs be pleased to state:

(a) whether any political party or parties have been declared unlawful by the Central Government or any of the State Governments;

(b) if so, which are they; and

(c) whether Government propose to lift the ban on such parties so as to enable them to participate in the ensuing General Elections?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). There are no political parties declared unlawful by the Central Government. I would draw the hon. Member's attention to the answer given to Shri S. N. Das's question No. 3980 on 9th May 1951. As regards any ban imposed by the State Governments, the Communist Party of India is banned in the States of Hyderabad, Travancore-Cochin and the area comprising the former Indore State. The Government of India have no information about any other State Government having done it.

(c) As regards this Party, Government of India can advise the State Governments when the Party's criminal activities cease. It cannot have it both ways, i.e., delivering speeches and carrying on other election activities while killing and terrorising and burning public records and grain and fodder stores and

also reserving the right to do so as long as communism is not accepted by the people.

Shri Kamath: I did not hear the last part of the answer clearly. Did the Minister say, "Government can advise"?

Shri Rajagopalachari: Government can advise, because the Party's criminal activities should cease and they have not yet done so.

Shri Kamath: Has the Government advised the Hyderabad Government?

Shri Rajagopalachari: Only the particular State Governments which I have mentioned have issued such a ban. Those Governments can certainly be advised when the Government of India finds that the criminal activities have ceased; according to the Constitution they can only be advised and probably the advice will prevail.

Dr. Ram Subhag Singh: May I know whether the Government of India or the State Governments consider the persons who indulge in criminal activities or in burning records and killing persons, as political prisoners when they are arrested and, if so, may I know whether Government would advise the State Governments to release them before the general elections?

Shri Rajagopalachari: I am not sure. I have quite understood the whole argument but as far as I catch it I can say that whatever privileges Members of Parliament or prospective Members of Parliament have should be subject to the criminal law and we cannot claim an immunity from the criminal law by reason of the fact that we desire to stand as candidates.

Shri R. Velayudhan: May I know whether the Communist Party of India has declared itself as a constitutional body and wants to take part in the elections, and whether its leaders have recently tried to approach the Government of India in order to explain these things so that the ban in Travancore-Cochin and Hyderabad may be removed?

Shri Rajagopalachari: That is just the position which I was trying to explain. Some of the members have declared their minds as stated by the hon. Member, but all the information that Government has shows that not only are actually murders, arson and other activities going on but they have also not given up their right to go on in that manner. That being the case, where there is no ban we have not interfered with anybody applying for

candidature or doing anything necessary for their election campaign but where there is a ban, as I said in Hyderabad, Travancore-Cochin and the area comprising the Indore State, we are not constitutionally able to get the candidates released if they are in prison.

Shri Kamath: Are cases of murders and arson on the increase or on the decrease now in those affected areas?

Shri Rajagopalachari: There is now, if I may so put it, a selective campaign of terrorism. Formerly it was an indiscriminate campaign, it is now very selective; but it is still substantially going on.

Shri Jnani Ram: Is it a fact that some of the States have already released the communists in order to take part in the coming elections?

Shri Rajagopalachari: That has been done and we have not asked them not to do it either. Many have been released and many States which feel confident have taken those steps.

Shri Hussain Imam: On a constitutional point, I should like to know from the hon. the Home Minister as to how it happens that in Madhya Bharat only in one part the Communist Party is banned and in other parts it is not banned. It is rather strange.

Shri Rajagopalachari: It depends upon the activities in that area.

Shri Hussain Imam: What have been the activities in the Indore area by the Communist Party recently?

Shri Rajagopalachari: The banning order having been issued by the State concerned, I fear we cannot go into the merits of the banning order here.

Shri Rathnaswamy: In view of the past history of the Muslim League in India and also due to the strained relations between India and Pakistan, do Government propose to take any steps to declare this organisation an unlawful one?

Shri Rajagopalachari: Government is inclined to allow more and more of political activity on their part rather than reduce them.

GOVERNMENT HOUSING FACTORY

*218. **Shri Kamath:** Will the Minister of Health be pleased to state:

(a) whether the Government Housing Factory has gone into production,

(b) if so, what are the products that are being turned out of the factory;

(c) the process or processes that are being employed in production;

(d) the total expenditure, capital and working, together with service charges, if any, so far incurred in connection with the factory; and

(e) the total strength of establishment, giving details as regards the various personnel and their salaries, on 1st August 1951 as compared to what it was on 1st November 1950, 1st December 1950, 1st January 1951 and 1st February 1951?

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

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

(d) The total expenditure on the factory to the end of July, 1951 is as follows:

(i) Fixed Capital	Rs. 54,29,475
(ii) Working Capital	Rs. 42,62,959
Total	Rs. 96,92,414

(e) A statement containing the information required is placed on the Table of the House. [See Appendix II, annexure No. 11]

Shri Kamath: Does this figure of Rs. 96 lakhs and odd include the service charges paid to the British consultant firm?

Rajkumari Amrit Kaur: Yes, Sir. It includes service charges to the extent of Rs. 3 lakhs odd.

Shri Kamath: With regard to part (c) of the question, is it a fact that at present there is only scientific investigation going on with regard to the process to be followed in the factory and as a consequence the factory is to be transferred to the Ministry of Natural Resources and Scientific Research?

Rajkumari Amrit Kaur: The fundamental process employed in production is the same as before, but experiments are being conducted regarding the ingredients and the reinforcements and so on according to the Bhatnagar Committee Report. The question as to the Ministry under which the factory should be is under the consideration of Government.

Shri Kamath: In the statement laid on the Table of the House I find that among the personnel of the factory the Managing Director is not mentioned at all, though the statement refers to November-December-January. He left only in July, so far as I am aware.

Rajkumari Amrit Kaur: I do not know if he has not been mentioned, but all the pays and allowances from 1st November, 1950 right up to 1st August, 1950 have been given and his pay is not included there. Because, as a matter of fact, he was Director of Housing and this job was in addition to his own job. He did not get any more for it.

Shri Sidhva: Out of the total working capital, how much is locked up in stocks and how much is available for day to day work and are some of them supposed to be bad debts?

Rajkumari Amrit Kaur: Some of them are there in assets. Of course, what has been constructed is standing. Some items are not recoverable.

Shri Deshbandhu Gupta: May I know how many questions have been asked in all by my hon. friend on this subject and when is this process likely to cease?

श्री भट्ट : क्या माननीय मंत्रायी जी बतलायेंगे कि यह फैक्टरी कब से काम शुरू करेगी और इस फैक्टरी की बुनियाद कब से डाली गई थी ?

[Shri Bhatt: Will the hon. Minister please state when is this factory likely to start work and when was it set up?]

राजकुमारी अमृतकौर : आप लोगों को मालूम ही होगा कि इस की बुनियाद कब डाली गई और कितनी जल्दी पूरा बनी और यह कमेटी जो हम ने अभी बिठाई उसकी रिपोर्ट में यह कहा गया है कि अभी छ महीने हमें प्रयोग करना होगा और उसके बाद जब उन को इस में सफलता मिल जायेगी, जैसी कि वह उम्मीद रखते हैं, तब प्रोडक्शन शुरू हो जायेगी ।

[**Rajkumari Amrit Kaur:** The hon. Members must be knowing as to when was the factory set up and what little time was taken in its completion. The Report of the Committee that we set up recently, says that we would have to make experiments for another six months and then, if they are successful, as they hope they would be, production would be started.]

Shri Kamath: I would suggest to my hon. friend Mr. Gupta to publish an article in his paper on the subject.

With regard to the three or four technicians sent here by the British consulting firm, have they all left India and is it a fact that though the factory started production as long back as November or December 1950, these three or four technicians were all of them paid their salaries and allowances till May or June 1951, i.e. for six months, without doing any work?

Rajkumari Amrit Kaur: It is not correct to say that they were paid without doing any work. They worked as long as they were here. At the moment, there is only one of those technicians and he is a cement technologist.

I. A. S. EXAMINATION

*219. **Dr. Deshmukh:** Will the Minister of Home Affairs be pleased to state:

(a) the date on which the decision to add two more subjects to the I.A.S. examination was taken;

(b) when it was announced in the Gazette and papers;

(c) the reasons for this proposal of adding two new subjects;

(d) whether he is aware of strong protests from all quarters against the proposal for insufficiency of notice to prospective candidates; and

(e) the action taken as a result of these protests?

The Minister of Home Affairs (Shri Rajagopalachari): (a) The final decision to include two additional subjects for the Indian Administrative Service and Indian Foreign Service was taken on 14th April 1951.

(b) It was announced in papers on the 16th April, 1951, and published in the Gazette of India dated the 28th April, 1951.

(c) The decision was taken on the advice of the Union Public Service Commission with the object of providing a more searching test of the fitness and attainments of the candidates for the Indian Administrative Service and the Indian Foreign Service.

(d) and (e). In the opinion of Government 5 months' notice given to the prospective candidates was quite sufficient for them to prepare for the two extra papers chosen by them and all the candidates had the same notice.

Dr. Deshmukh: Was this the opinion of the U.P.S.C. or was this the Departmental opinion that five months were enough for preparing for these two additional subjects?

Mr. Deputy-Speaker: He has said that it was the opinion of the U.P.S.C.

Dr. Deshmukh: Was the U.P.S.C. recommendation that these two additional subjects should be introduced at the forthcoming examination or was this the opinion of the Department?

Shri Rajagopalachari: I would request hon. Members not to worry about differences of opinion where several people meet together and discuss and come to a conclusion. The opinions bear upon one another and have influence on one another and finally it was decided by all concerned, i.e. the Ministries, Departments and the U.P.S.C., sitting together that these two subjects should be introduced at the forthcoming examination. There is no disadvantage to the candidates, as I have already explained. Hon. Members will remember that generally fresh graduates from colleges come up for this competition and they choose out of thirteen subjects two subjects for this additional Higher Grade Examination, and all the candidates are on the same level.

Dr. Deshmukh: May I know if there was any particular expert who was consulted and who had some knowledge about the subjects which a student studies in the University and was this decision taken after and examination of the compositions and groups taught in Universities?

Shri Rajagopalachari: I do not know what the hon. Member means by 'expert', but we have taken responsibility and we must call ourselves and believe ourselves to be experts. All the persons concerned have sat together and taken a decision.

Seth Govind Das: Is *viva voce* also held for this examination?

Shri Rajagopalachari: The *viva voce* is a different thing altogether. This is about the written examination. The *viva voce* subject is another ticklish question which is a matter of a different kind and it has no relation to this. I would like no supplementaries on that subject now.

Dr. Deshmukh: May I know, Sir, if the hon. Minister is now satisfied that the subjects now prescribed are on all fours with the Indian Civil Service Examination and what was originally prescribed was considered deficient?

Mr. Deputy-Speaker: It is only inferential—they wanted to add two more subjects.

Shri Rajagopalachari: As most hon. members probably know, there is a

common examination and a single panel for all the various departments for which the competitive examination is held. But the Indian Administrative Service and the Indian Foreign Service are two services where we want to test a little more strictly the quality of the material that we want and for that reason a slightly stiffer paper on two subjects is given to those who choose those subjects.

Dr. Deshmukh: My question was a very simple one.

Mr. Deputy-Speaker: Is it not a matter of inference that in the absence of these two subjects, the standard prescribed was defective and for that reason they have been added.

Dr. Deshmukh: I will put the question in a different way.

Mr. Deputy-Speaker: What is the use of putting the same question in a different way.

Dr. Deshmukh: The object of my question was to ascertain whether it has been equated to the Indian Civil Service?

Shri R. Velayudhan: May I know, Sir, whether the written answer papers are sent to any private persons for evaluation, or whether there is any examination board to value them?

Mr. Deputy-Speaker: How does that arise out of this question?

Seth Govind Das: Which are the two new subjects which have now been added?

Shri Rajagopalachari: There are thirteen subjects placed before the competing candidates and they are asked to choose. I may illustrate this for the convenience of hon. members because we are dealing with matters with which we are probably not very familiar. Take mathematics for instance. There is an ordinary paper in mathematics. But if a mathematics student wants particularly to compete for the Indian Foreign Service and the Indian Administrative Service, as distinguished from the Indian Police and other branches, he can offer an additional subject in mathematics the standard of which will be slightly stiffer. I may also say that there is no minimum mark to be secured in these subjects.

Dr. Deshmukh: What is the total number of marks for these two additional subjects?

Shri Rajagopalachari: Two hundred marks each for the two subjects.

Mr. Deputy-Speaker: Let us have the best material, instead of trying to bring down the marks.

Shri Rajagopalachari: I may assure hon. members in general that nobody wants to do any harm to anybody. We have taken every possible care to get the best possible material to govern the country according to the wishes of Parliament.

I. A. S. RESULT AND APPOINTMENTS

*220. **Dr. Deshmukh:** Will the Minister of Home Affairs be pleased to state:

(a) the number of candidates declared successful at the last two I.A.S. examinations;

(b) the dates on which these results were declared;

(c) how many of them have been actually appointed to I.A.S., I.P.S., or other Services and on what dates;

(d) how many of them are still to be appointed and since what dates their cases for appointments are pending;

(e) whether it is a fact that candidates from some States get appointments much quicker than others; and

(f) what steps are being taken to shorten the delays?

The Minister of Home Affairs (Shri Rajagopalachari): (a) 1949—163. 1950—240.

(b) 1949—29th March 1950.
1950—27th February 1951.

(c) and (d). Two Statements are laid on the Table of the House. [See Appendix II, annexure No. 12.]

(e) No, Sir, there is no basis for this suggestion.

(f) Every effort is made by Government to obviate avoidable delay as far as possible. If desired I can place a full Statement on this subject on the Table of the House. I have it ready, but it will take ten minutes to read.

Dr. Deshmukh: I will be thankful if the statement referred to in answer to part (f) of the question is placed on the Table of the House.

May I know, Sir, what is the maximum period that is taken for the appointment of any particular candidate?

Shri Rajagopalachari: I would like the hon. member to read the statement which I will place on the Table of the House. [See Appendix II, annexure No. 12.]

The cases will explain the amount of time. For instance, if a man comes without a proper medical certificate and he has to be examined by a Board and on appeal by another board, and so on, it is no use taking the time into account.

Dr. Deshmukh: Is there any possibility of reducing this period and are any efforts made to do so?

Shri Rajagopalachari: Every effort is made to reduce the period. But particular cases occur where much delay is caused, not on account of the fault of the Government.

Shri Rathnaswamy: Is it true that excessive importance is given to *viva voce* and on that account a number of students fail due to excusable nervousness?

Shri Rajagopalachari: That is a different subject not arising out of this and it would require a little more explanation than can be given in a supplementary answer. It is not really correct to call it *viva voce*. It is a personal interview for assessment of personality. It is not merely oral question and answer. The answer may be wrong, but the behaviour of the person may impress the questioner and he may pass.

Seth Govind Das: Is it a fact, Sir, that in these personal interviews those candidates are many times rejected who get the highest number of marks in written papers?

Shri Rajagopalachari: It is not correct. A very close study should be made of these matters before hon. members can usefully discuss them. But I may say that if we assume that the written examination is the final test we need not have a personal interview at all. Therefore, it is wrong to examine the value of the personal interview by comparing it with the marks obtained in the written examination. I can cram and pass and come very high, but I may be a perfect failure as a collector of a district.

Mr. Deputy-Speaker: I am afraid this will throw the way open to some other new subject, which is not relevant. It is a very interesting subject and there is no doubt about it.

Dr. Deshmukh: With regard to part (e) of my question, the hon. Minister has said that this has not happened. I would like to ask him whether it is not a fact that in the case of certain candidates they were told more than once that no State is prepared to take them, and, therefore, their appointment cannot be sanctioned. Is this a fact or not?

Shri Rajagopalachari: I would ask hon. Members to read the statement that I have prepared and then put any further questions, if necessary. The States from which the candidates come do not at all pertain to any of the services, except the Police Service where local knowledge becomes necessary. In all the other services the States are put in one panel and there is no question of discrimination against one State or another.

Shri Kamath: Is it a fact, Sir, that one of the States requested the Centre not to post certain candidates to that State on communal or caste grounds?

Shri Rajagopalachari: That was not so at all. Probably hon. Members have been approached with facts by certain people who have found some difficulty. But in order to judge a case you have to hear both the sides and one should not easily be led away by hearing only one side. When for instance we want to give a Scheduled Caste person who has come 80th in the list, but to whom we want to give a place, there is a certain amount of correspondence and the Government of India has to press and put him somewhere. These are things which do not improve by being publicly discussed.

Dr. Deshmukh: May I take it, Sir, that these selected candidates are appointed by the Central Government, or whether in every case the views of the State Governments are obtained and action is taken according to their advice or their opinion?

Shri Rajagopalachari: It is a process of accommodation between the authorities of the Centre and the authorities of the autonomous States and a certain amount of room for play of forces must be allowed. It cannot be constitutionally and strictly enforced at the point of a bayonet. After all the officer has to get on in the other State. It is no use pushing a man there where he won't have his career properly managed.

Shrimati Renuka Ray: How many women were successful in the examination and appointed to the I.A.S.?

Shri Rajagopalachari: I would like a question to be put, Sir.

SALES TAX FOR DELHI

*221. **Shri Kshudiram Mahata:** Will the Minister of Finance be pleased to state:

(a) whether sales tax in Delhi has been imposed, if so, from what date; and

(b) the reasons for delay?

The Minister of Finance (Shri C. D. Deshmukh): (a) No, Sir.

(b) The delay is due to the fact that detailed rules had to be worked out and published and kept open for objections from the Public for four weeks before finalisation. An adequate administrative set-up had also to be organised. It is expected that the tax would be introduced soon.

Shri Kshudiram Mahata: May I know how long it will take to enforce it?

Shri C. D. Deshmukh: Within the next two months.

Shri Sidhva: May I know whether it is necessary to bring a Bill before this House for this purpose or whether it will be done by an executive order?

Shri C. D. Deshmukh: It has been done. The main legal instrument has already taken effect. The main legal notification has already been issued in this connection. A Bill is not necessary.

Shri Deshbandhu Gupta: May I know whether any objections have been received from the trading community of Delhi against the notification; if so, whether those objections have received the attention or consideration of Government?

Shri C. D. Deshmukh: The position in regard to the notification containing the rules is that on the 28th May 1951 the Chief Commissioner issued the necessary notification to the effect that the said Act shall come into force. The draft rules were published on the 16th June, 1951 and the public were asked to give their suggestions or objections, if any, before the 16th July, 1951. I have not information in my possession to show exactly what objections the Chief Commissioner has received. But I am sure they will be taken into consideration before the rules are finalised.

Shri Deshbandhu Gupta: May I know whether the original estimated income from this tax has undergone a change after these rules have been revised?

Shri C. D. Deshmukh: The original estimate is bound to be affected by the fact that the tax will come into effect six months later than was intended in the beginning.

Shri Deshbandhu Gupta: My question is different. It is not a question of time. I want to know whether the original estimate has by itself, on account of other factors, undergone a change; if so, whether it is worthwhile introducing this tax?

Shri C. D. Deshmukh: I think, yes. The implication of my answer was that a far greater change had been effected by the reduction of the period for which the tax would be in effect. But we still expect a proportionate income for the rest of the year.

**DETENUS ADVISORY BOARD—CASES
REFERRED TO**

*222. **Shri R. Velayudhan:** Will the Minister of Home Affairs be pleased to state:

(a) the number of cases that were referred to the Advisory Boards under the Preventive Detention Act; and

(b) the number of detenus who were released?

The Minister of Home Affairs (Shri Rajagopalachari): (a) 306 cases were referred to the Advisory Boards under the Preventive Detention Act before it was amended on 22nd February 1951 and 2891 cases after that date up to 30th June, 1951.

As we have to get information from several States we have to fix a particular date for getting the figures.

(b) 51 detenus were released before 22nd February 1951 and 730 after that date up to 30th June 1951.

Shri R. Velayudhan: May I know whether there are cases where the release has not taken place when the Advisory Board had already recommended for the release of the detenus?

Shri Rajagopalachari: I say 'No' to the suggestion made in the question.

Dr. Ram Subhag Singh: May I know the total number of persons detained at present under the Preventive Detention Act?

Shri Rajagopalachari: Under the present law all the cases of detention will have to be referred, and therefore I have said 1891 and was referring to the dates. It is the total number.

Shri Deshbandhu Gupta: Which State has got the largest number of detenus?

Shri Rajagopalachari: I do not know what the hon. Member means by "has got". I am not taking the number of cases referred to the Advisory Board for any comparison, because some may be released and some may not be released. The detentions upheld by the Advisory Board from 22nd February, 1951 to 30th June, 1951—the total number—is 2,019. The highest figure is against Hyderabad. The next highest, which is very much below, is in West Bengal.

Seth Govind Das: Is there any State which has no detenus at all?

Shri Rajagopalachari: Quite a number, Sir. Himachal Pradesh has none—according to the figures received up to 30th June, 1951. Kutch has none; Bilaspur has none; Manipur has none; Ajmer has none; the North East Frontier Agency has none; Vindhya Pradesh has none; Madhya Bharat has none. I am afraid I have to stop there.

Shri Kamath: Has the Minister got the figures according to the party affiliations of the detenus—the political party affiliations—and, if that is not available, which party has the largest and which the smallest number of detenus?

Shri Rajagopalachari: May I know, Sir, whether that kind of insinuation can be made? Are we detaining people according to political parties?

Shri Kamath: That is not an insinuation.

Mr. Deputy-Speaker: He wants to know how many Communists, etc.

Shri Kamath: And how many Socialists, how many black-marketers etc.?

Shri Rajagopalachari: Black-marketing is not a party, Sir. But as regards other parties, as far as it is possible for me I would strongly deprecate questioning detenus as to what party they belong to. It is this kind of approach that creates the evil which the hon. Member does not want.

RADIUM

*223. **Shri R. Velayudhan:** Will the Minister of Health be pleased to state:

(a) the total quantity of radium in the possession of Government;

(b) whether any State has any stock of radium; and

(c) if so, which State and where radium is deposited?

The Minister of Health and Communications (Rajkumari Amrit Kaur): (a) to (c). A statement showing the amount of radium available in various hospitals in Part A, B and C States (excluding Jammu and Kashmir) is laid on the Table of the House. [See Appendix II, annexure No. 14.]

Shri R. Velayudhan: May I know whether it has come to the notice of the Government that a large quantity of radium was stocked by the Madras Government which was kept underground during war time and which has been taken back again by the Government?

Rajkumari Amrit Kaur: As far as I am aware, we have not received any report that radium has been found in any State of India.

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

Short Notice Question and Answer

COLLECTION OF MONEY FROM INDUSTRIES BY MINISTERS OF U.P.

Shri Goenka: Will the Minister of Finance be pleased to state:

(a) whether it has been brought to the notice of Government that large sums of money are being collected from industries by the Ministers of the Government of Uttar Pradesh;

(b) whether these payments are free from Income Tax and if they are not free from Income Tax, whether they are liable to be charged on the company rates only or on the income of individual shareholders;

(c) whether such sums will be added to the income of individual shareholders for the purposes of super tax;

(d) whether a company can distribute its funds to political purposes; and

(e) whether such payments are not illegal on account of being repugnant to public policy?

Mr. Deputy-Speaker: As far as item (a) is concerned, I do not think that it is right that we should have a discussion on this matter here. It has already appeared in the papers that large sums of money have been collected from industries by the Ministers but Parliament has no jurisdiction over the Ministers in the States. Only the other day the matter was gone into and the statement of the Minister that appeared was also read and was referred to by Dr. Kunzru. Therefore so far as part (a) is concerned, I will not allow any question to be put but as regards the other parts the hon. Minister can give the answers.

Pandit Kunzru: With regard to the question of fact did the hon. Minister of Supplies in the U.P. Government deny only that he had promised any sugar industrialist that he would be nominated on behalf of the Congress or that he had taken part in the collection of funds? So far as I remember, he denied only the first allegation.

Mr. Deputy-Speaker: We have no jurisdiction to go into the conduct of State Ministers in this Parliament and

so far as questions on that are concerned, they are out of our realm. The hon. Finance Minister.

Pandit Kunzru: Allegations are a matter of vital concern and so only this legislature has to take cognizance.

The Minister of Finance (Shri C. D. Deshmukh): I can only give information on the legal position.

(b) and (c). Such contributions are not an admissible deduction in determining the total income of the paying company liable to income-tax. Therefore, any such payments will not be free from income-tax and will be liable to be charged in the hands of the paying company at the rates of income-tax and super-tax payable by the company. If the company is a private company to which section 23A of the Income-tax Act is applicable and the company has not distributed 60 per cent. of the assessable income of the company, the undistributed profits including the sums paid as contributions and not allowed as deduction, would be chargeable to super-tax in the hands of shareholders also.

(d) No, unless such distribution is allowed by the articles of association.

(e) The payments would be illegal if they are not authorised by the articles of association. If they are not authorised, it would be possible for the court to take action under section 282 (A) of the Indian Companies Act, on an application of a creditor or a contributor of the company. Any Director or Manager of the company who willfully applies any property of the company in his possession to purposes other than those expressed or directed in the articles and not authorised under the Companies Act, is punishable with fine not exceeding Rs. 1,000 or imprisonment on failure to comply with the Court's order for the refund of the property which has been so applied. Section 235 of the Indian Companies Act also provides for recovery of money or property misapplied from the persons concerned in the course of the winding up of the company.

Shri Goenka: Is the Government aware that it is the memorandum of association which confers the right upon a company to spend money in pursuance of its objectives and not the articles of association?

Shri C. D. Deshmukh: It may be that the hon. Member is right. Anyway that is not the information exclusively in our possession.

Mr. Deputy-Speaker: I thought that the Prime Minister wanted to say something.

The Prime Minister (Shri Jawaharlal Nehru): What I want to say is not perhaps wholly pertinent but because there is a doubt in Members' minds, I thought that I might place certain facts before them after the supplementaries are over in regard to other matters.

Shri Goenka: Is the Government aware that the articles of association can be changed by the majority of the shareholders whereas the memorandum of association cannot be changed without the sanction of the High Court? The sanction will not be granted except as provided for under section 12 of the Indian Companies Act and a provision is there in the Act to prevent the majority of the shareholders from frittering away the company's money at their sweet will.

Mr. Deputy-Speaker: No doubt I was responsible for admitting this question. I think much of this is argumentation and legal opinion. The Finance Ministry is not the only expert with regard to this matter of Company law and opinions can be had from individual persons and whichever opinion is given is debatable.

Shri Goenka: My purpose in putting these questions is this: I want an authoritative statement from the Government in regard to the position of companies which contribute monies from the company's funds for political purposes. I only want an authoritative statement from the Government and I am not pressing them to answer these questions. For instance, some.....

Mr. Deputy-Speaker: Instances are not necessary.

Shri Goenka: Under sections 137 to 141(A) of the Indian Companies Act the Government can take action *suo moto* through the Registrar of a Joint Stock Company for the purpose of finding that these inadmissible or unjustified expenditure are not allowed by the Companies Act. Will the Government take action and see that the Registrars of Joint Stock Companies do take such action on their own initiative and not allow a creditor or a shareholder to go to court as had been pointed out by the Finance Minister in answer to my question parts (b) and (c) but protect the interests of the shareholders.

Shri Sidhva: May I know whether this expenditure has been actually incurred?

Shri Goenka: It has been actually incurred. I take full responsibility for it. The expenditure has been incurred from the funds of the companies and they have been paid to the Ministers.

Shri Sidhva: The law will take its natural course.

Mr. Deputy-Speaker: It is not right for one hon. Member to argue with another hon. Member. The questions have been put to the hon. Finance Minister and the last question that was put by Mr. Goenka is a suggestion for action. I shall allow if he puts it in another form: Is there a proposal before Government to see that these funds are not utilized for political purposes?

Shri C. D. Deshmukh: Government are not aware whether collections have been made.

Shri Goenka: May I know if the accounts of the political parties are inspected by the Income-tax authorities?

Mr. Deputy-Speaker: That is a different matter altogether.

Shri Goenka: May I know if the source of information of any funds in the possession of political parties is not disclosed? It is subject to income-tax as in the case of individuals.

Mr. Deputy-Speaker: A 'political party' does not appear to be a person. That is a matter of opinion. I am afraid we are going into discussions which lead us nowhere. So far as whether they are political parties or juristic persons, these will come under the operation of the Income-Tax Act. There may be a difference of opinion with regard to these matters. So there is nothing to be answered so far as this question is concerned. We shall proceed with the further business. This is not a law court or an Attorney General's Office.

Pandit Kunzru: Am I to understand that no supplementary questions are to be put with reference to this question?

Mr. Deputy-Speaker: No argument on the opinion of the Government can be brought forward in the House and so far as the conduct of the State Minister is concerned, this House has no jurisdiction. It is a matter for the State legislature and it is for them to deal with it.

Shri Goenka: Is it the intention of the Government to take action when these matters are brought to their

notice under sections 137 to 141(A) of the Indian Companies Act?

Shri C. D. Deshmukh: I have taken notice of the opinion of the hon. Member and the position will have to be examined. So far as income-tax is concerned, I may volunteer the information that we have already issued instructions to Income-tax officers to be on the look-out for any such entries and to see that they are assessed to income-tax.

Shri Jawaharlal Nehru: Sir, the hon. Dr. Kunzru put a question which you were pleased to say was not wholly relevant. Nevertheless, though your ruling, with all respect, is perfectly correct that it may not be relevant to this occasion, it is desirable that facts should be known as far as we can find them.

As soon as this matter was brought to the notice of this House by the motion for adjournment that Dr. Kunzru proposed, though it was not allowed here, I got into touch with the Uttar Pradesh Government to find out what the facts were. The Chief Minister happened to come here. He knew some of the facts, but not all. So, he communicated with his colleague Mr. Chandrabhan Gupta, another Minister whose name has been particularly mentioned in this connection. Mr. Chandrabhan Gupta thereupon sent him a note which he passed on to me giving the facts.

In brief, the facts are that two gentlemen connected with the sugar industry wished to see him and asked for an interview and saw him on one or two occasions and in the course of the interview they suggested that they and perhaps their colleagues would like to help the Congress Party for the Elections. Mr. Gupta told him that they were perfectly welcome to do so and that their help would in fact, be welcome if they thought it proper to do so. As regards the question asked by Dr. Kunzru, I shall read out that passage particularly:

"During the course of these talks, Shri Hari Raj Swarup asked me whether there was any chance for non-Congressmen to seek election on the support of the Congress. I told him about the practice that the Congress had been following in the past and the principles that govern the decision of this question. I gave him to understand on the basis of my experience of the Congressmen that cases of those non-Congressmen might also be considered who were men of integrity and character and public ser-

vice and were prepared to abide by the Congress ideals and discipline, and were also popular otherwise in the constituencies from where they proposed to seek election. I gave the instances of Hriday Nath Kunzru and Mukthiar Singh. I however made it clear that it was for the Central Parliamentary Board to lay down the guiding principles for inviting applications to the seats."

Mr. Deputy-Speaker: I am sure this clears all the points.

Pandit Balkrishna Sharma: Mr. Deputy-Speaker, may I request the hon. the Prime Minister to read the remaining portion of the letter also?

Mr. Deputy-Speaker: He has read out the relevant portion.

Pandit Balkrishna Sharma: The note received from the hon. Supply Minister of Uttar Pradesh was read only partly. I would beg of you to read the whole of it to the House.

Shri Jawaharlal Nehru: I have read out the entire portion dealing with this particular matter. The other portions relate to some phone call, and deal with other matters which have no direct bearing on this question.

Pandit Balkrishna Sharma: Will the Government have any objection to lay the letter on the Table of the House?

Mr. Deputy-Speaker: The hon. Prime Minister has read out the relevant portion and if necessary it will once again be repeated.

Pandit Balkrishna Sharma: I would like to know whether the Government would have any objection in putting the document on the Table of the House for the information of the Members.

Mr. Deputy-Speaker: The hon. Prime Minister has already said that he has read out the relevant portions from this letter and the others are not relevant.

Shri Jawaharlal Nehru: This, Sir, as you were good enough to say, has no direct bearing. I do not see why I should place it on the Table of the House. I am prepared to show it to Pandit Balkrishna Sharma.

Mr. Deputy-Speaker: Whenever any extract is read out, the House, is entitled to call upon the whole letter being placed on the Table, so that it may judge the contents of the whole letter. Inasmuch as this letter consists of various parts, portions relevant to this subject matter and other matters.

Shri Jawaharlal Nehru: Dr. Kunzru or Balkrishna Sharma can see it or any other individual member who wants. But, I do not see why it should be made a part of the record of the House.

Mr. Deputy-Speaker: Therefore, I do not think it is necessary.

Pandit Balkrishna Sharma: If you will recollect, Sir, a letter appeared in the Papers that one Mr. K. K. Birla wrote a letter to some of his brother Sugar Industrialists. May I know if the Government have any information on that point, whether that letter was genuine or whether it was only a fabrication of the imagination of some of the Press magnates. Would the Government kindly inform the House?

Shri Jawaharlal Nehru: I can give no assurance to the hon. Member on that point because I have not been in touch with Mr. K. K. Birla on that subject; nor do I propose to enquire from him.

Shri Goenka: May I know from the hon. Prime Minister if any reference is made in this note to Mr. K. K. Birla?

Shri Jawaharlal Nehru: Yes. When I read, "During the course of these talks" Hari Raj Swarup, Mr. K. K. Birla and he were present there.

WRITTEN ANSWERS TO QUESTIONS

MACHINE TOOL FACTORY

*224. **Shri B. R. Bhagat:** Will the Minister of Defence be pleased to state the progress in the execution of the Machine Tool Prototype factory at Ambarnath?

The Deputy Minister of Defence (Major-General Himatsinhji): Satisfactory progress has been made and the factory is expected to go into production early in 1952.

COMPENSATION TO NAGAS FOR WAR DAMAGE

*225. **Shri B. R. Bhagat:** Will the Minister of Defence be pleased to state the action taken by Government in regard to compensation for war damages to the Nagas?

The Deputy Minister of Defence (Major-General Himatsinhji): Presumably the hon. Member is referring to the payment of compensation for damages caused to properties during the last war to the people of the Naga Hills District, Assam. The question of compensating these people for damages

caused to their immovable properties by the allied troops has been under consideration and it has recently been decided to place at the disposal of the Government of Assam funds to the extent of Rs. 30 lakhs for payment of individual claims in respect of damages to immovable, and, in exceptional cases, movable properties. Government sanction to this effect has already been issued, and it is understood that the Government of Assam are taking steps for the speedy settlement of the claims.

PROFIT ON JUTE GOODS BY EXPORTERS

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

(a) whether Government have made any estimate of the undeclared profit made by exporters of jute goods at the New York market before the de-control of jute goods; and

(b) whether Government have any idea as to how these dollar earnings are being used by those exporters?

The Minister of Finance (Shri C. D. Deshmukh): (a) No estimates have been made. In view of the undisclosed nature of these transactions, no reliable estimates can be made.

(b) Government have no precise information nor is it possible to collect any reliable material in regard to these undeclared sums.

FIRE-ARMS IN ABANDONED MILITARY CAMPS

*227. **Shri Jnani Ram:** Will the Minister of Defence be pleased to state:

(a) the names of abandoned Military camps where arms and ammunition have been found in the year 1951; and

(b) the quantity recovered?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) The former Air Force Depots at Titagarh and Panagarh.

(b) The following arms and ammunition were recovered by Intelligence Branch, West Bengal Police.

U.S. Signal Pistols—55.

Shots—190 rounds.

Cartridges of various bores—228 rounds.

Cartridges Signal—814 rounds.

ABSORPTION OF RETRENCHED
GAZETTED OFFICERS

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

(a) if any plan has been prepared to facilitate the reabsorption of the surplus or retrenched Gazetted officers of the Union Government; and

(b) if so, the details of the plan?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). The Government of India's general policy regarding assistance to surplus and retrenched Central Government Servants is fully explained in paragraph 32 of the Ministry of Home Affairs Report for 1950-51. All vacancies are reported to the Employment Exchanges who recommend candidates according to the priorities prescribed by Government. Retrenched or surplus Central Government Servants get the highest priority next to permanent displaced Government servants of equivalent grade. As regards posts for which recruitment is normally made on the basis of selection through the Union Public Service Commission, a Central Co-ordination Office has been set up in the Directorate General of Resettlement and Employment which keeps a combined list of surplus or retrenched civilian Class I and Class II officers as well as Commissioned Officers of the Defence Forces. When a vacancy is reported to the Commission, the claims of suitable surplus or retrenched officers in the Ministry, if any, as well as those on the combined list maintained by the Central Co-ordination Office, are brought to the notice of the Commission and the post is advertised only if none of the persons recommended is considered suitable by them for the post.

Government is trying to do all that is fairly possible without giving up the principle of retrenchment itself.

RURAL ADVISORY BODIES FOR A. I. R.

*229. **Shri Jnani Ram:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether Rural Advisory bodies are being set up to be attached to different stations of the A.I.R.; and

(b) if so, the places where they have been set up?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) Rural Advisory Committees have already been constituted at 10 stations

of All India Radio; steps are being taken to set up similar Committees at other stations also.

(b) Delhi, Bombay, Madras-Vijayawada, Tiruchirapalli, Lucknow, Baroda, Calcutta, Cuttack and Allahabad.

DELHI IMPROVEMENT TRUST INQUIRY
COMMITTEE

*230. **Sardar Hukam Singh:** Will the Minister of Health be pleased to state:

(a) whether Government have considered the recommendations of the Delhi Improvement Trust Inquiry Committee by now;

(b) what are the decisions taken by the Government on these recommendations; and

(c) Have all recommendations been accepted?

The Minister of Health and Communications (Rajkumari Arjit Kaur): (a) to (c). The Delhi Improvement Trust Inquiry Committee submitted an interim report last September on the recommendations of which action has already been taken by Government.

The main report was submitted last April. It has been circulated to the Ministries concerned and is now under the active consideration of Government.

POLITICAL SUFFERERS AND I. A. S.
EXAMINATION

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

(a) whether it is a fact that the political sufferers are not allowed a second chance to compete at the I.A.S. and the like examinations; and

(b) whether Government contemplate allowing them a second chance for these competitions?

The Minister of Home Affairs (Shri Rajagopalachari): (a) No. The hon. Member's attention is invited to the Press Note issued by the Union Public Service Commission on the 13th June, 1951, a copy of which is laid on the Table of the House. [See Appendix II, annexure No. 15.] It has been decided to allow such persons a second chance provided they are otherwise eligible.

(b) Does not arise.

SOLICITOR-GENERAL OF INDIA

*232. **Shri R. Velayudham:** Will the Minister of Law be pleased to state:

(a) the date on which Mr. Dattary was appointed Solicitor-General of India; and

(b) the salary he draws as Solicitor-General of India?

The Minister of Law (Dr. Ambedkar): (a) 1st July 1951.

(b) The Solicitor-General does not draw a salary, but is given a retainer of Rs. 3,500 p.m.

FINANCE COMMISSION

***233. Shri Alexander:** Will the Minister of Finance be pleased to state:—

(a) whether the Finance Commission contemplated by Section 280 of the Constitution has been appointed;

(b) if so, what is its personnel; and

(c) if not, when it will be appointed?

The Minister of Finance (Shri C. D. Deshmukh): (a) No, Sir.

(b) Does not arise.

(c) I regret I cannot indicate a specific date but I hope that the Commission will be constituted very shortly.

FIRING IN COOCH-BEHAR

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

(a) whether the judicial inquiry into the Cooch-Bihar firing has concluded; and

(b) if so, whether the report has been received by the Government?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). The inquiry has not yet been concluded.

COLLEGE OF NURSING IN DELHI

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

(a) the estimated amount to be spent for the development of the College of Nursing in Delhi and New Delhi;

(b) what are the courses that are taught in this College;

(c) when do Government expect to build permanent accommodations for the College, staff and students;

(d) how many students have been sent abroad from this institution since its inception; and

(e) how many students have returned after completing foreign training and how and where they have been utilised?

The Minister of Health and Communications (Rajkumari Amrit Kaur): (a) A gradual expenditure amounting

to Rs. 20,94,200 on building and Rs. 3,00,000 on equipment etc.

(b) (i) A four years' B.Sc. (Hons.) course in Nursing; and

(ii) Post-certificate course in Nursing Administration and Sister Tutor of 8 and 9 months duration respectively.

(c) It is proposed to start the work of construction of permanent buildings for the College, staff and students this year and the scheme ought to be completed during the next three or four years provided that the necessary funds are available.

(d) None.

(e) Does not arise.

SCHEME FOR SOCIAL EDUCATION IN DELHI

***236. Shri S. N. Das:** Will the Minister of Education be pleased to state:

(a) whether the scheme for Social Education in Delhi has been revised;

(b) if so, its important features;

(c) the total expenditure involved;

(d) the number of centres that are working; and

(e) the number of persons so far socially educated under the scheme?

The Minister of Education (Maulana Azad): (a) Yes. In December, 1950.

(b) The main features of the revised scheme are:

(i) Holding of 'Educational Melas' frequently to arouse the interest of the people and to impart general Social Education through posters, charts, demonstrations, songs, etc.

(ii) Sending out of Literacy Squads, each containing 15 to 20 teachers, to visit villages one by one and complete their work within a month and then move on leaving one member of the squad behind to consolidate work.

(iii) Opening of Janta College, Alipur to train villagers for the role of local leadership, so that after a comprehensive course of about 3 months in general education and training in Agriculture and certain crafts they can go back to their villages and undertake Social Education work on a voluntary basis.

(c) The expenditure involved is as follows:

December 1950 to March 1951.—
Rs. 3,16,533-2-3.

Cost during 1951-52 (Estimates)—
Rs. 6,28,115-0-0.

(d) 44 post-literacy centres were opened by the end of June 1951 in villages already covered by the literacy campaign.

(e) 5,728 adults took advantage of the literacy classes during this period; but literacy is only a part of the Social Education Scheme and the number of persons who participated in the scheme and Melas is estimated at more than a lakh during this period.

RESEARCHES IN OILS

*237. **Shri T. N. Singh:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) the researches in oils carried out in the last two years at various laboratories and their commercial and industrial values;

(b) the steps, if any, taken to patent the processes; and

(c) the advantage taken by India's Commercial and Industrial concerns of such researches?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) to (c). A list of researches in oil carried out during the last 2 years at the National Chemical Laboratory, Poona under the Council of Scientific and Industrial Research together with a list of researches for which patents have been applied for by the Council of Scientific and Industrial Research during this period is placed on the Table of the House. [See Appendix II, annexure No. 16.]

Information regarding researches in oil carried out at other laboratories during the last 2 years is being collected and will be placed on the Table of the House as soon as possible.

It is not possible to assess the commercial and industrial value of such researches or the advantage taken by the Indian Commercial and Industrial concerns in terms of money until the researches are patented and are commercially exploited.

RESERVE BANK'S FOREIGN BALANCES

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

(a) the total amount of foreign balances held by the Reserve Bank in its Banking Department on 31st December, 1950;

(b) the same on 30th June 1951; and

(c) if there has been any decrease, the reason therefor?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). The total foreign balances held by the Reserve Bank of India in its Banking Department amounted to Rs. 196 crores on the 29th December, 1950, and to Rs. 179 crores on the 29th June this year, showing a decrease of Rs. 17 crores during the six months January-June, 1951.

(c) The decrease is to be accounted for by the transfer of sterling securities to the Issue Department against an increase in the note issue.

GOVERNMENT OFFICERS HAVING RELATIONS IN PAKISTAN

*238-A. **Shri Kamath:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that several officers in the employ of the Government of India have close relations who are either in the service of West Pakistan Government or are occupying high positions in the social or economic life of Pakistan;

(b) whether communication either personally or by other means, frequently takes place between those in India and their relations in Pakistan;

(c) whether permits have been granted to those on either side; and

(d) if so, whether they are temporary or permanent?

The Minister of Home Affairs (Shri Rajagopalan): (a) Yes, Sir, there are some of this type.

(b) Such communications are natural and must be permitted.

(c) and (d). Such persons in Pakistan are occasionally permitted to visit India on temporary permits. It would be cruel to prohibit this. Permits issued by the Pakistan authorities to officers in the employ of the Government of India for visiting their relations in Pakistan are it is believed also temporary.

COMMONWEALTH FINANCE MINISTERS' CONFERENCE

*239. **Shri S. N. Das:** (a) Will the Minister of Finance be pleased to state whether it is a fact that a conference of Commonwealth Finance Ministers has been called in London; and

(b) if the answer to part (a) above be in the affirmative, what are the subjects to be discussed in this Conference?

The Minister of Finance (Shri C. D. Deshmukh): (a) No, Sir.

(b) Does not arise.

TRAINING IN DEFENCE SCIENCE ABROAD

*240. **Shri Kishorimohan Tripathi:** (a) will the Minister of Defence be pleased to state the number of persons who have been sent abroad for training in Defence Science?

(b) Which are the countries to which these persons have gone?

The Deputy Minister of Defence (Major-General Mumtazsinhji): (a) and (b). No Scientist has so far been sent abroad for training in Defence Science.

RESETTLEMENT OF DEMOBILISED SOLDIERS

*241. **Shri Ghule:** (a) Will the Minister of Defence be pleased to state what amount has been given to each of the Part B States as Centre's subsidy to settle the demobilized soldiers up till the middle of July this year?

(b) How many men have been settled in this way in each Part B State?

The Deputy Minister of Defence (Major-General Mumtazsinhji): (a) The Central Government have not yet given any subsidy to Part B States as the Schemes are not yet finalised.

(b) A statement is placed on the Table of the House. [See Appendix II, annexure No. 17.]

ESTATE DUTY BILL

*242. **Shri V. K. Reddy:** (a) Will the Minister of Finance be pleased to state what are the reasons for the delay in bringing the Estate Duty Bill before Parliament?

(b) Is it a fact that the views of various States on the Bill have been called for?

(c) What are the reactions of the States on the Bill?

The Minister of Finance (Shri C. D. Deshmukh): (a) The Estate Duty Bill was first introduced in the then Legislative Assembly on the 31st March 1946, but beyond introduction of the Bill no further action was taken. Thereafter, because of constitutional changes the bill lapsed. A *resubstituted* bill, more or less identical to the first one, was introduced in the Constituent Assembly (Legislative) *de novo* on 22nd March, 1948. The House passed a motion on 6th April 1948 to refer the bill to a Select Committee, whose report was available only on the 31st March, 1949. A motion for taking up the bill as amended by the Select Committee for consideration was made

in the House on 21st December 1949, but on an amendment to the motion moved by a non-official member the consideration of the Bill was postponed till the Budget Session 1950. The Bill could not however be taken up during 1950, (i) as Government had to give priority to other more important Bills; and (ii) as it was felt that consideration of the Bill might appropriately be taken up after the passing of the Hindu Code Bill, the provisions of which regarding succession or the structure of a joint family would, it was thought, have considerable bearing as to how duty was to be levied on the death of a member of such family, especially when such family is governed by the *Mitakshara* system.

(b) The views of the various "Provincial Governments" were called for on the Estate Duty Bill that was introduced in 1946. Recently the Central Government has been in correspondence with the various State Governments on the desirability of the State Governments authorising the Central Government to undertake legislation for the levy of Estate Duty in respect of agricultural lands.

(c) Most of the Provincial Governments have favoured the levy of Estate Duty.

NEWSPAPERS IN CENTRALLY ADMINISTERED AREAS

*243. **Shri Deshbandhu Gupta:** Will the Minister of Home Affairs be pleased to state:

(a) how many applications for declarations of newspapers and periodicals were filed in the State of Delhi and other Centrally Administered States since 15th August 1947 till the end of July, 1951;

(b) how many of them were granted and how many were rejected;

(c) the maximum and minimum time taken in granting a declaration;

(d) in how many cases security was demanded as a precautionary measure and how many of them deposited the same;

(e) the names of those from whom securities were demanded and reasons given by the District Magistrates for the same in each case;

(f) against how many papers action was taken under the various public safety Acts applicable in different States;

(g) the number of papers and periodicals from whom securities were demanded;

(h) the number of papers and periodicals whose securities were forfeited;

(i) the number of papers and periodicals on whom precensorship was imposed;

(j) the number of papers and periodicals which were suspended or whose circulation was banned; and

(k) the total amount of securities forfeited?

The Minister of Home Affairs (Shri Rajagopalachari): (a) to (k). Information is being collected and will be laid on the Table of the House in due course.

**ACCOMMODATION FOR CIRCUIT BENCH,
PUNJAB HIGH COURT**

***244. Shri Deshbandhu Gupta:** Will the Minister of Home Affairs be pleased to state:

(a) what progress, if any, has been made in procuring accommodation for the Circuit Bench of the High Court, Punjab which Government had agreed to open in Delhi;

(b) the date on which the Circuit Bench will begin to function in Delhi;

(c) whether it is a fact that accommodation has already been reserved for the Circuit Bench but accommodation for the staff only was needed; and

(d) the number of staff for whom accommodation is still to be arranged?

The Minister of Home Affairs (Shri Rajagopalachari): (a) Accommodation had been reserved for the Circuit Court in Kaurthala House but in view of the delay that was necessitated in setting up the Court it was allotted to another office whose need was very urgent. No difficulty is, however, anticipated in finding accommodation for the Circuit Court.

(b) The proposal for financial provision is shortly being submitted to the Standing Finance Committee. I am sorry I cannot forecast the date on which the Circuit Bench will begin to function in Delhi.

(c) and (d). Every effort is being made to find accommodation for the Judges and their staff.

शासकीय भाषा

२४४-ए० द्विवेदी : (क) क्या शिक्षा मंत्री यह बतलाने की कृपा करेंगे कि संविधान के पारित होने के पश्चात् १५ वर्षों में राष्ट्रभाषा को शासकीय भाषा बनाने की उद्देश्य पूर्ति के सम्बन्ध में

इस समय तक किन किन उपायों को प्रयोग में लाने का निश्चय किया गया है, तथा क्या क्या उपाय किए गए हैं अथवा किए जाने वाले हैं ?

(ख) विभिन्न मंत्रालयों, विभागों तथा कार्यालयों के अधिकारियों तथा कर्मचारियों को राष्ट्रभाषा से सुपरिचित कराने के लिए सरकार द्वारा क्या क्या उपाय किए गए हैं ?

(ग) इस सम्बन्ध में क्या प्रगति हुई है तथा यह उपाय कहां तक सफल रहे हैं ?

OFFICIAL LANGUAGE

[*244A. Shri Dwivedi: (a) Will the Minister of Education be pleased to state what are the various methods that have so far been decided upon and adopted or are going to be adopted in pursuance of the objective of making the national language the official language of Government within 15 years of the passing of the Constitution?

(b) What are the various methods adopted by Government so far with a view to making the officers and staff of the various Ministries, Departments and offices conversant with the national language?

(c) What is the progress achieved and how far have these methods proved successful?]

The Minister of Education (Maulana Azad): (a) The Government of India propose to take the following steps:

(i) Preparation of dictionaries of scientific and technical terms in Hindi including terms on Administrative and Social Sciences and such other subjects as may be useful to the various Departments of the Government.

(ii) Starting of a Hindi school to teach Hindi to the Central Government employees.

(iii) Establishment of an up-to-date Library of Hindi books at the Centre.

(iv) Starting an organisation to be called Hindi Shiksha Samiti to propagate Hindi among people whose mother tongue is not Hindi.

(v) Encouraging the production of literature in Hindi.

(vi) Expenditure amounting to Rs. 2,80,000 was incurred during 1949-50 and Rs. 1,05,000 during 1950-51 for (1) preparation of post-literacy literature in Hindi, and (2) grants to important organisations e.g. Hindi Sahitya Sammelan, Allahabad, Hindustani Cultural Society, Allahabad and Akhil Bharatiya Hindi Parishad, New Delhi.

(b) As in (a) above.

(c) As the schemes mentioned above are just being launched, the question does not arise.

HOUSING FACTORY TECHNICAL COMMITTEE REPORT

45. **Shri Kamath:** Will the Minister of Health be pleased to state whether the report of the Technical Committee, under the Chairmanship of Dr. S. S. Bhatnagar, appointed by Government to inquire into the possibilities of the Government Housing Factory, Delhi, will be laid on the Table of the House?

The Minister of Health and Communications (Rajkumari Amrit Kaur): Government are at present considering the recommendations contained in the report of the Technical Committee. As soon as they have come to decisions in the matter the Report will be placed on the Table of the House.

CENTRAL GRANTS TO STATES

46. **Dr. M. V. Gangadhara Siva:** Will the Minister of Finance be pleased to state under how many heads grants are given to State Governments from Central funds and what is the yearly total during the last five years?

The Minister of Finance (Shri C. D. Deshmukh): A statement containing the information is laid on the Table of the House. [See Appendix II, annexure No. 18.]

MEDICAL AID FOR WOMEN IN INDIA

47. **Dr. M. V. Gangadhara Siva:** Will the Minister of Health be pleased to state.

(a) how many hospitals for women and maternity homes there are in India, how many of them are financed out of Central and States Revenues and how many by private Agencies;

(b) how many women doctors are employed;

(i) by the Public Health department; and

(ii) in the Hospitals;

(c) what steps, if any, Government of India have taken so far to carry health propaganda amongst the women of India;

(d) how much money, if any, is being spent annually by the Government on the dissemination of health propaganda amongst women and on the medical education of women; and

(e) what steps, if any, are being taken by the Government of India for promoting the physical welfare of the women of India?

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

(a) No. of hospitals for women in India—413.

No. of maternity homes in India—321.

No. of hospitals financed by Governments—242.

No. of maternity homes financed by Governments—191.

No. of hospitals financed by private agencies—171.

No. of maternity homes financed by private agencies—130.

(b) (i) in Public Health Department—208;

(ii) in the hospitals—1,252.

(c) In so far as the Centrally Administered areas are concerned no steps have so far been taken to do health propaganda among women as a separate category. Health propaganda is made applicable to all sections of the population. However, a few leaflets and booklets are under preparation which will have a special application to the problems of women. The Maternity and Child Welfare Centres also give necessary advice to women.

The Maternity and Child Welfare Bureau of the Indian Red Cross Society have a large number of attractive posters, leaflets and pamphlets related to the Health of mothers which are widely distributed through the Red Cross Branches and other agencies.

(d) There is no separate allocation

of funds for health propaganda amongst women. With regard to the medical education of women, a provision of Rs. 11.00 lakhs exists in the budget grant for 1951-52 for payment

to the Lady Hardinge Medical College and Hospital for women and children. Out of a total grant of Rs. 12.00 lakhs proposed to be made during the next 5—7 years, a sum of Rs. 1.5 lakhs has been provided in the budget grant for 1951-52 for payment to the Women's Christian Medical College, Ludhiana, for upgrading the institution.

(e) The Government of India have sought assistance from the WHO and the UNICEF for promotion of health services for women and children. A Maternity and Child Health Team is working at Najafgarh since 1949. A project for establishing a Child Care Training Centre in Calcutta with the aid of WHO and the UNICEF has been sanctioned and further necessary steps to bring the Centre into existence at an early date are being taken. A large amount of equipment for Maternity and Child Health Centres has been obtained from the UNICEF and distributed to Child Health and Maternity Centres in the various States. Every year names of candidates are forwarded to the WHO for award of Fellowships to suitable women for post-graduate training in Maternal and Child Health in the U.K. and the U.S.A.

HOSPITALS FOR DEAF, DUMB, BLIND AND LUNATICS

48. Dr. M. V. Gangadhara Siva: Will the Minister of Health be pleased to state:

(a) the total number of persons in the country who are (i) deaf and dumb; (ii) blind; (iii) mentally deficient;

(b) the names of hospitals for the treatment and care of defectives of each of the above categories; and

(c) the annual expenditure at present being incurred on the upkeep of the above hospitals?

The Minister of Health and Communications (Rajkumari Amrit Kaur): (a) to (c). There are no complete statistics regarding people who suffer

from these misfortunes. A statement giving the available information is placed on the table of the House. [See Appendix II, annexure No. 19.]

KIDNAPPING OF CHILDREN IN DELHI

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

(a) whether a number of children were kidnapped from Delhi during the last six months;

(b) what was the total number kidnapped;

(c) what is the number recovered since; and

(d) have any captors been arrested?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). The total number recorded as cases of kidnapping from January 1951 to 30th June 1951 is 58.

(c) 49.

(d) 46 persons were arrested for kidnapping offences.

OFFICERS IN MINISTRY OF DEFENCE

49-A. Prof. K. T. Shah: Will the Minister of Defence be pleased to state:

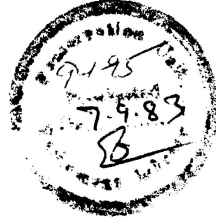
(a) the number of (i) Gazetted, and (ii) non-Gazetted officers, clerks, and class IV servants in his Secretariat on.

(i) 15th August, 1947; (ii) 31st March, 1948; (iii) 31st March, 1949; (iv) 31st March, 1950; and (v) 31st March, 1951; and

(b) the number of officers, clerks and class IV servants appointed temporarily in the first instance and subsequently (i) made permanent, (ii) retired or (iii) retrenched, during each of the years 1947-48 (post partition), 1948-49; 1949-50; and 1950-51?

The Deputy Minister of Defence (Major-General Himatsinghji): (a) and (b). Two statements are placed on the Table of the House. [See Appendix II, annexure No. 20.]

Tuesday, 14th August, 1951



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME XIV, 1951

(6th August, 1951 to 29th August, 1951)

Fourth Session

of the

PARLIAMENT OF INDIA

1951

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THE
PARLIAMENTARY DEBATES
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OFFICIAL REPORT

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PARLIAMENT OF INDIA

Tuesday, 14th August, 1951

The House met at Half Past Eight of the Clock.

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

QUESTIONS AND ANSWERS

(See Part I)

9-47 A.M.

MESSAGE FROM THE PRESIDENT

Mr. Deputy-Speaker: I have to inform the House that I have received the following message from the President:

"I have received with great satisfaction the expression of thanks by the Members of Parliament for the address I delivered to them on the 6th August, 1951."

BUSINESS OF THE HOUSE

Shri Kamath (Madhya Pradesh): Before the House proceeds to other business, may I know whether requests have reached you to the effect that Thursday the 16th is an important Hindu festival day, Rakshabandhan, and therefore the House may not transact any business on that day? We may sit on another Saturday, the 1st of September. So far, no business has been fixed for that day. This is an important festival.

Hon. Members: 17th

Shri Kamath: 16th or 17th whichever day.

Mr. Deputy-Speaker: I understand the practice of Parliament in respect of holidays is to observe those holidays which are observed in Delhi by the
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Government. Tomorrow being a holiday, we are having the session on the next Saturday, to compensate for the loss of one day. Therefore, Saturday will take the place of tomorrow. So far as the 16th is concerned, I can only make one suggestion.

Hon. Members: 17th

Mr. Deputy-Speaker: Whichever the date, it does not appear to be a public holiday so far as Delhi is concerned.

Shri Hussain Imam (Bihar): It is a bank holiday.

The Minister of Home Affairs (Shri Rajagopalachari): Do hon. Members propose to change their sacred threads or do they simply want to enjoy a holiday?

The Minister of State for Transport and Railways (Shri Santhanam): May I also suggest, Sir, that in the workshops and other places, they are carefully watching how Parliament takes holidays so that they too may make claims for more and more holidays.

Pandit Thakur Das Bhargava (Punjab): Parliament is not taking any holiday. It is quite wrong to suggest that. This is a festival observed all over India.

Mr. Deputy-Speaker: I understand it is not a Government of India closed holiday. There is no good referring to it as a Government of India holiday. Independently of that, if hon. Members want to observe a holiday, I can only make one suggestion. Rakshabandhan will be over by two o'clock. We will sit in the afternoon at three. That would meet the situation. Which is the date? We are not sure about that: 16th or 17th?

Some Hon. Members: 16th.

Some Hon. Members: 17th.

Mr. Deputy-Speaker: Very well, on the 17th the House will meet at 2-30 in the afternoon and sit upto 7-15 P.M.

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**PUNJAB STATE LEGISLATURE
(DELEGATION OF POWERS)
BILL—contd.**

Pandit Thakur Das Bhargava (Punjab): Yesterday, I tried to draw the attention of the House to certain salient points in connection with this Bill, and today I would like to call its attention to one or two legal points arising in connection with this question.

The article under which these powers are going to be conferred upon the President or the Governor is article 357 and that article says that only certain kinds of powers can be given under sub-clause (a) of clause (1). Now article 357 reads like this:

“Where by a Proclamation issued under clause (1) of article 356, it has been declared that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament, it shall be competent—

(a) for Parliament to confer on the President the power of the Legislature of the State to make laws, and to authorise the President to delegate, subject to such conditions as he may think fit to impose, the power so conferred to any other authority to be specified by him in that behalf;

So it appears that all the powers of the Legislature are not conferred on the President. Only the power to make laws is conferred. And so.....

The Minister of Home Affairs (Shri Rajagopalachari): I was able to follow the hon. Member yesterday although the speech was in Hindi; but I am sorry I am not able to follow him today.

Mr. Deputy-Speaker: There is too much of talk in the House. Hon. Members will avoid talking to one another across the Table. Order, order. Hon. Members should not carry on conversations like this, interrupting the proceedings of the House.

Pandit Thakur Das Bhargava: I was submitting that according to article 357(1)(a), the only power which Parliament can confer upon the President is the power of the Legislature of the State to make laws. Now, the powers of the Legislature extend to other things besides the making of laws. They have the power for questions being answered, for adjournment motions being moved, for resolutions being moved, and all these will remain with this House, in this Parliament and all questions relating to the Punjab,

adjournment motions resolutions etc. could be moved here. Not only that, so far as the powers of the Governor are concerned, these powers have not been taken away. Those provisions of the Constitution have not been suspended. If you refer to the Proclamation under article 356, the House will find that many of the powers of the Legislature have been suspended, but not the powers of the Governor. In the Constitution the Governor is to provide for the budget being presented. Therefore, I am inclined to think that the Budget shall have to be presented in this House and the House shall go into the question of the Budget, because according to sub-clause (c) it shall be open—

“for the President to authorise when the House of the People is not in session expenditure from the Consolidated Fund of the State pending the sanction of such expenditure by Parliament.”

Only when Parliament is not sitting will the President be authorised to sanction expenditure from the Consolidated Fund of the State. Otherwise, when Parliament is sitting, it will be necessary to bring in the expenditure before Parliament. So I understand that the provisions of article 357 refer only to certain kinds of laws which the Legislature of the State is competent to make, and not all the laws and all the powers. That is point number one which should be borne in mind when we consider what powers we are giving to the President, or in this case, to the Governor.

Now, I very humbly point to the House an important part of article 357, that is, sub-clause (b). It is very important. According to it it shall be competent—

“for Parliament, or for the President or other authority in whom such power to make laws is vested under sub-clause (a), to make laws conferring powers and imposition of duties, upon the conferring of powers and the imposition of duties, upon the Union or officers and authorities thereof;”

Now, if you confer powers under (a) on the President, *ipso facto* as a consequence thereof, you give not only the President but the nominee of the President the power to impose duties etc., etc. These are great powers which may be conferred on the Governor which ordinarily the Governors do not

enjoy. Not only will the Governor be authorised, as he has been authorised, to exercise all the executive powers, but all these other powers also. This will be one of the consequences of the action. So he will not be an ordinary Governor. He will have more power than the ordinary Governors.

After all, let us come to brass-tacks. What is being done in the Punjab? What laws are there which the Punjab Governor will be called upon to enact? I beg to submit in all humility that when I saw the Proclamation under article 356, I came to the conclusion that all the powers of the Governor were taken away by the President, because that was contained in the resolution. The resolution, as it went, said that the President assumed to himself all the powers of the Governor who was then bereft of all the powers, as the Legislature was bereft of all the powers. But then sub-clause (c) states that the President may by Proclamation—

“make such incidental and consequential provisions as appear to the President to be necessary or desirable for giving effect to the objects of the Proclamation.....”

So the President shall ask the Governor to act in regard to certain matters in which he would think the Governor fit to be authorised. That is what was in the Proclamation and we understood that since the Proclamation has been issued, some of the powers will be exercised by the President, and therefore, by the Central Ministers. We had full confidence and we have full confidence in the Central Ministers. It is not as if I have no confidence in them. I have so much of confidence in some of them that even if they go wrong I will think twice before concluding that I am right and they are wrong. At the same time another order was passed by the President to the effect that under this incidental sub-clause (c) all the powers which he had assumed to himself were given over to the Governor. This was another order passed perhaps at the same time, not as part of the same Proclamation. I have no quarrel with that. It is the President's choice or discretion but I must submit that from the constitutional point of view this is not a proper order to make.....

Shri B. Das (Orissa): You must criticise the President's advisers.

Pandit Thakur Das Bhargava: Thank you for the advice.

Article 70 runs:

“Parliament may make such provision as it thinks fit for the discharge of the functions of the President in any contingency not provided for in this Chapter.”

There was something left in the Proclamation under para. 3(1) and that could only be provided for by law by Parliament. The President himself on his own could not divest himself entirely of all the powers under article 356. It is a constitutional question on which I may or may not be correct.....

Shri B. Das: You are very very correct.

Pandit Thakur Das Bhargava: Thank you for the compliment. Anyway I have a suspicion here. Though in the Bill itself the authority is given and the President can pass on his powers to some other authority he chooses, but from the manner in which the President has acted, namely, first of all assuming all the powers to himself and in the same breath passing them on to the Governor, I am inclined to think that the President will be pleased to grant all the powers which he had got under clause (a) of article 357 to the Governor.

With your permission, Sir, I will repeat the argument I made yesterday. I am not opposed to this or that Governor. Our present Governor is a very estimable person and I have the highest esteem for him. It is not a question of personality but one of principle. My humble submission is that it is not right to vest all the powers in one single person. There are plenty of Ministers here such as Rajaji and Panditji to whom we can have access and explain. If there is one person to make laws what is the use of this Parliament? I do not know of any kind of Government except a despotic Government where the law-making powers are given to one person. Even under the monarchies of old there were advisers and law-making bodies. To give powers to one person is not right in principle.

Yesterday, Sardar Man as well as I proposed that the President may have some other body to assist him. There are 12 Members from the Punjab here duly elected and they could form a Select Committee for the purpose of making laws and other persons from the House could be associated with them. All the laws could be recommended by them and the whole House could pass them. After all how many laws are there? I may submit that at

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this moment, in the Punjab, very important laws are going to be framed.....

Shri Rajagopalachari: I hope I will not be misunderstood. I do not think it is necessary to say in English all that was said in Hindi yesterday, which I understood. The Deputy-Speaker was not here then and hence I make bold to say it.

Pandit Thakur Das Bhargava: Like the hon. Minister I also fail to hear from this distance what he is saying.

Mr. Deputy-Speaker: What all was said in Hindi yesterday need not be repeated in English once again. The hon. Minister was able to follow all that was said in Hindi yesterday.

Shri B. Das: There are his colleagues from Madras who do not understand Hindi.

Pandit Thakur Das Bhargava: The hon. Minister must be satisfied that the proposal I referred to yesterday, I repeated only in a second, after saying that I am repeating it with a view to found my other arguments. If the Mover is not pleased with me in repeating those arguments only to make further arguments I do not know in what manner I can introduce the subject.....

Dr. Deshmukh (Madhya Pradesh): It is a new point.

Shri B. K. P. Sinha (Bihar): May I know if it is in order for a Member to deliver part of his speech in Hindi and part in English?

Pandit Thakur Das Bhargava: I am more at home in Hindi, my own language than in English which friends from Madras are more familiar with. Perhaps if I speak in Hindi I may take more time than when I speak in English.

I am very anxious that the time of the House should not be wasted and I do not want to repeat my arguments. At the same time something has to be repeated as I want to build other arguments on them.

One proposal yesterday was that a Standing Committee of the House consisting of the elected Members from the Punjab in the House may be constituted and others will be associated with them. They may be given the power to prepare Bills and it will be easy for Parliament to pass them. I was mentioning the nature of the laws which the Governor of the Punjab

will be called upon to enact just now. The House is aware that the Land Alienation Act (Act XIII) was passed in 1900, which is a very important measure. It was designed to protect the cultivators and small land-owners from the rapacity of a certain class which existed in 1900. According to the Constitution that Act has been vacated. All the right-minded people in the Punjab want that the cultivators and the small-owners of land should be protected somehow and this is a very essential piece of legislation which is pending. It will require not only the legal acumen of one man to enact such a measure but the wisdom of the whole Parliament. An Act of that kind should be a model for the whole of India, which should give a lead to the entire nation. The contingency to be the one in Punjab may happen in Madras or in any other province. We would like to make a convention that whenever such a thing happens this House will, as it is bound to do, enact the law for that province and not a single person be the even the head of the province.

Dr. Deshmukh: It might be done by suspending the various Ministries in turn in other provinces also.

Pandit Thakur Das Bhargava: If in the Punjab it can happen I do not think you can escape such a fate for the whole of India.

The other laws which the Governor will be called upon to enact will be as a consequence of the present tension between India and Pakistan. The House knows that sometime ago the High Court of the Punjab held that the Punjab Safety Act was not *intra vires*. When the armies of either side face each other and the tension is high these safety Acts will be required in the interest of the Punjab and the whole country.

We Punjabis have suffered a great deal as a result of the partition and in regard to rehabilitation laws we require all the sympathy and kindness which the Central Government can give us to make suitable laws.

Mr. Deputy-Speaker: Does this Bill deprive the right of Parliament, even though it may confer rights on the President, to enact laws?

Pandit Thakur Das Bhargava: I agree with you, Sir, hundred per cent. that so far as Parliament is concerned, when it delegates its powers, its powers are not taken away. Parliament will still have all those powers but then when you give the entire right to the Governor, Parliament's power will be only theoretical. Who will bring these

Bills before Parliament? The Central Ministry? If they give an assurance here that all the important Bills touching the day to day life of the individual and the community, Bills which may deal with things of all India application, will be brought before this House, then I have no objection. I do not want that Bills affecting the liberties of the people, for instance, safety measures or other measures dealing with peace and good government, should be dealt with in any other way. For the time being Government can have Ordinances; power is still there under article 213. Only clauses (1) and (3) of article 213 have been made use of; so the power of the President is still there and the Central Government can issue Ordinances. All that I want is that the ordinary laws which govern the life of individuals and communities in the Punjab may not be enacted except by the willing co-operation and consent of the Punjabis. We may not be as representative as the local House but still we represent that House, also because we were elected by that House. I submit that so far as these matters are concerned it is desirable that all the powers are not given to the Governor but are exercised by this House. And if this House even thinks that our Ministry should be burdened with all these powers unaided by us, even there my objection will not be so serious as in the case when the entire powers are made over to the Governor.

Shri Kamath (Madhya Pradesh):
We are here to aid them.

Pandit Thakur Das Bhargava: Because the Central Ministry represents us, we can approach it; if it does anything, it is on our behalf. So, I have no objection to the grant of powers to the President, but in regard to the further grant of powers to the Governor I must say that it will look to every Punjabi as a great insult. So far the Council of Ministers in the Punjab was a visible sign of democracy there and with its removal and with the delegation of power to the Governor he will be the only man entrusted with the government of the State. He may be the best man, all the I.C.S. men by whom he may be surrounded may be gods or demi-gods, they may give all the blessings of the earth to the Punjabis, but at the same time Rajaji will excuse me if I say that it was Rajaji himself who taught us that self-rule is better than good rule. It was Panditji who taught us so, it was Congress that taught us that

however good be outside rule it cannot be a substitute for self-rule. They taught us the lesson of democracy and therefore I humbly submit to them that on the basis of democracy they must keep some semblance of it in the Punjab. I hope I will not be misunderstood.

I congratulate Rajaji for his expressing the view that the Central Parliamentary Board of the Congress is to be congratulated on their action in passing orders to suspend the Congress administration in the State. No other party would be capable of rising to that height. I should congratulate them on that. At the same time I take this occasion to congratulate those who accepted the decision with discipline and patience in the true spirit of Congressmen. I also congratulate those who managed to get the decision in their favour. I am not here to criticise or to say a word about the Central Parliamentary Board, but let me say one thing: let Rajaji not be deluded by what he heard from other people. I know persons belonging to the Hindu Mahasabha took deputations asking that this rule of the Congress must be taken away. Other parties also went to the President asking for the same thing. Now they are quite happy and it is their voice that Rajaji is hearing when he says that people are happy. Similarly the Governor and all the bureaucrats who chafed under the ruling hand of the Congress must also be happy. This is the family of happy people. I can understand, so far as the Congress is concerned, that the Congress has for the time being given its approval; rightly so because the Congress Parliamentary Board is the ultimate body and has full right to behave in the manner it has done. There are many who are unhappy with this decision but at the same time I would tell Rajaji with all the force at my command that even despite this state of things you will not find wanting any Punjabi, when the emergency arises—whether it be Master Tara Singh or any Rashtra Sangh people who would not rush to your support and to the support of this Government. Every Punjabi feels like this. Something was said about the quarrelsomeness of the Punjabi. There is a proverb in Hindi: *Khota beta aur khota paisa*: they are of use in time of adversity. Let me submit this on behalf of all the parties in the Punjab—I do not belong to any party by way of partisanship—let me say that the Punjabis have a claim on Government and a very big claim. The Punjabis have behaved after partition in a manner in which I do

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not know whether people of other parts in the country would have done. Therefore, when Rajaji said, that the hope of restoration of normal constitutional arrangements expressed by the President was perhaps a routine kind of a thing, I was rather amazed. I would rather beg of him to consider the question from another standpoint. After all, as I said yesterday, the Congress is the only body which can deliver the goods in this country. It is the only body which can give security to this country. Therefore, if in any State the Congress does not come into power on account of the actions of the Central Parliamentary Board, what is to be done? The Central Parliamentary Board may have been right in their decision but they shall find that they have given such a blow to the position of Congress in the Punjab that the Congress is not likely to rise to its previous stature for some time. It is better therefore that before the elections our leaders should rather come to a decision within the party. It is their duty. If we are at fault you must correct us. Under Rajaji's and Panditji's leadership all the Congressmen will come together and accept whatever they are ordered to do. If, however, this is not brought about I do not see how the people concerned will change their character even in the coming three years—for three years this rule under Proclamation can continue. What will happen afterwards? I understand there is an iron curtain of what happened behind the scenes in the Parliamentary Board. We do not know who was at fault—I do not know if the Governor was at fault, I do not know if the Legislature was at fault—and I do not care to know as a Congressman; but the House is entitled to know, the country is entitled to know. Those who were at fault ought to have been punished, those not at fault ought not to have been punished; this is the least that could be expected.

Therefore, so far as this Bill is concerned, I appeal to all the Members of this House not to regard it as a provincial matter, not to regard it as a matter pertaining only to Punjab. It is a Bill which involves a question of principle, the principle being whether under the special circumstances created by article 356 this House is willing to give the entire power to one person—I am not so much worried about the President assuming to himself all the powers though, in my humble opinion, even the President should not be allowed this power, the House should have this power and no other authority.

Anyhow, if the powers are given to the President it will not be so serious as it would be if they are given to the Governor. I think the House should think many times before agreeing to such a proposition. I would therefore appeal to every Member of the House and especially those who come from the Punjab to express their views and tell the Government how, as a matter of fact, they feel in the matter. If there be any who like this rule, let them say so. In a matter like this, we should not conceal our views and fail to tell the Government our views.

گیانی - جی - ایس - مسافر :

جانب ترقی سپیکر صاحب - مہن
پنجاب کے متعلق یہ بل (Bill) جو
پیش کیا گیا ہے اس کی ہو بہو جس
شکل میں یہ بل پیش کیا گیا ہے
سپورٹ (Support) کرتا ہوں اور اس
کو کیوں سپورٹ کرتا ہوں اس کے
متعلق میں چند ایک الفاظ کہونگا -
زیادہ تر اعتراض اپنی بڑی لمبی چوڑی
اسپیچ (Speech) میں میرے بزرگ
اور مائیکہ پنڈت تھاکر داس جو ایک
اچھے ایڈوکیٹ (Advocate) ہیں اور
اس ہاؤس (House) کے بڑے پرانے
ممبر (Member) ہیں یہ کہا ہے
انہوں نے زیادہ زور اس بات پر دیا ہے -
یہ ایک علیحدہ بات ہے کہ ایک اچھے
ایڈوکیٹ ہونے کی وجہ سے اور پرانے
ممبر ہونے کی وجہ سے انہوں نے جو
کانسٹیٹوشنل (Constitutional)
بات تھی اس کو سامنے رکھا ہے - مگر
بہت سی باتیں انہوں نے کی ہیں
جن کا کہ سبب سے کانسٹیٹوشن
(Constitution) سے نہیں بلکہ حالات
سے ہے - پنجاب کے ساتھ پنجاب کی

پبلک لائف (public life) کے ساتھ ایک گہرا اور پُرانا سمبندھ ہونے کی وجہ سے میں بھی پنجاب کے حالات کو کچھ نہ کچھ جانتا ہوں۔

میں پہلی بات یہ لیتا ہوں کہ اس بل کے بغیر کوئی بھی اور اکثر پروویژن (provision) اس وقت اختیار کیا جائے تو یہ پنجاب کے ساتھ کوئی بھلائی نہ ہوگی۔ بلکہ برائی ہوگی۔ برائی کیوں ہوگی وہ اسلئے کہ یہ بل جو لپا گیا ہے اسکا مطلب صاف ہے کہ پنجاب کے حالات غیر معمولی ہو گئے ہیں۔ یہ ایک تلخ حقیقت ہے اور یہ بل اسی کی وجہ سے لانا پڑا۔ ہمارے پریسیڈنٹ صاحب (Mr. President) نے ان کا ذکر کیا ہے اور آنریبل ہوم منسٹر صاحب نے بھی ان کا ذکر کیا ہے اور ہم بھی اپنی جگہ اس کو محسوس کرتے ہیں کہ یہ ایبنارمل (abnormal) حالات میں ایسا کیا گیا ہے۔ لیکن شائد پنڈت بھارگو جی کا یہ خیال ہو کہ حالات وہاں ایبنارمل نہیں تھے۔ لیکن میں ان سے اس معاملے میں تفرق (differ) کرتا ہوں اور مانتا ہوں کہ حالت ایسی تھی اور ایسی حالت میں ایسا ہی ہونا چاہیئے تھا۔ مجھے اس بات سے انکار نہیں کہ یہ ایک تلخ ذہنی (duty) ہے جو راشٹریتی نے غیر معمولی حالات میں اختیار کی ہے اور اس تلخ ذہنی کو جلد ختم کرنا چاہیئے اس سے سب متفق

ہونگے۔ مگر کسی ادھر ادھر کی بات سے اے ختم کیا جا سکے یا اس لئے کوئی سب کمیٹی (Sub Committee) بنا دی جائے اور جھسا کہ کئی ممبر صاحبان نے کہا کہ اس پارلیمنٹ (Parliament) کے سپرد یہ کام کر دیا جائے۔ پنڈت بھارگو نے سردار بلدیو سنگھ اور سردار مان وغیرہ کا نام لے لیا کہ ان کے سپرد یہ کام کر دیں۔ کئی باتیں کہیں کہ کوئی ایک ایسا تھنگ اختیار کیا جائے۔ لیکن میں سمجھتا ہوں کہ کوئی بھی تھنگ عارضی جو اس وقت وہ اختیار کریں گے اس کا اثر اچھا نہیں پڑے گا اور ایسا کرنا دراصل اس حالت کو اور لمبا کرنا ہے۔ اصل میں اس کا علاج تو یہی ہے کہ پھر یہ معاملہ اس پنجاب کی لیجسلیٹو اسمبلی (Legislative Assembly) کے پاس جائے اور وہی اس کے لئے قانون بنائے اور وہی ان پر کنسیدر (consider) کرے اور اسی طرح پھر پنجاب کی منسٹری (ministry) بنے۔ ایبنارمل سے نارمل (normal) حالت تو تھی پیدا ہو سکتی ہے۔ اس کے علاوہ کوئی بھی عارضی انتظام ہماری بیماری کو اور لمبا کرتا ہے اور وہ اس کا علاج نہیں ہے۔ کسی بھی بات کو جب تالنا ہو تو کہا جاتا ہے کہ اس نے لئے سب کمیٹی بنا دو اور پھر وہ سب کمیٹی کبھی مہت (meet) اور پھر اس طرح آہستہ آہستہ وہ وقت گزرتا جائے اور اس طرح وہ معاملہ

[گھائی جی - ایس - مسافر]

گھائی جی میں پڑ جائے اور اس کا جلدی علاج نہ ہو پائے - اسلئے میں سمجھتا ہوں کہ جو صحیح علاج اس کا ہے وہ یہی ہے کہ پھر عام قسم کے حالات پنجاب میں پیدا ہوں - سوچنا یہ ہے کہ موجودہ لیجسلیٹو اسمبلی ان حالات کو پیدا کر سکتی ہے - تو میں کہتا ہوں کہ نہیں پھر اب پانچ چھ مہینوں کی تو بات ہے چار مہینے تک تو الیکشن (election) ہو جائے ہیں اور نئی الیکشنوں کے بعد پنجاب میں نارمل حالات پیدا کر دئے جائیں - کوئی بھی آپ اس کے لئے سب کمیٹی بنائیں یا اگر آپ پارلیمنٹ کے سپرد یہ کام کرتے ہیں تو بات نہیں بھینگی - اینڈرمل حالات میں آپ پارلیمنٹ کے سپرد کرنی کام کر سکتے ہیں مگر چاہئے تو یہ کہ جتنی جلد ہو سکے پنجاب میں حالات نارمل ہوں - تو اس وقت میں اس کا علاج صرف ایک ہی سمجھتا ہوں کہ وہاں بہت جلد الیکشن کر لیا جائے - اور پنڈت بھارگوا جی نے بھی الیکشنوں کے بارے میں جو بات کہی ہے تھیک کہی ہے - پنڈت بھارگوا جی نے یہ بھی فرمایا ہے اور میں ایسے قابل شخص کے منہ سے یہ بات سن کر حیران ہوں کہ انہوں نے کہا ہے کہ گورنر (Governor) نے ان سات ممبروں کو کہیں وزارت بنانے کے لئے بلایا جو اسمبلی میں اپوزیشن (Opposition) میں تھے -

وہاں پر ۷۰ ایک پارٹی کے ممبر ہیں یعنی کانگریس پارٹی کے ہیں اور باقی سات ممبر اپوزیشن (opposition) میں ایسے ہیں جن کی نہ کوئی پارٹی کا نام ہے اور نہ پارٹی کی گزتی پوری ہے - ان سات میں سے تین اگلی ہیں - تین سوشلسٹ (Socialist) ہیں اور ایک یونینسٹ (Unionist) ہیں اور اس پارٹی کا کوئی نام نہیں - تو یہ کہنا کہ ان کو گورنر بلاتا اور گورنر پر یہ الزام لگانا کہ وہ اس بات کے لئے انڈت (unfit) ہیں یا انہوں نے ایسا نہ کر کے غلطی کی میری سمجھ میں درست نہیں ہے -

سردار حکم سنگھ : پنڈت جی کا ایسا کہنے سے یہ مطلب ہے کہ ایسا موقع آنے پر ان ستر ممبروں سے بعض لوگ ادھر اپوزیشن میں چلے جاتے -

گھائی جی - ایس - مسافر : میں اس کو نہیں مانتا - کیونکہ اگر ستر ممبروں سے کوئی جانے والا ہوتا تو وہ اسوقت پارٹی سے ریزائن (resign) کرتا - میں تو ایسے پنجاب کانگریس پارٹی کی خوبی سمجھتا ہوں کہ ان کے لئے سنٹرل پارلیمنٹری بورڈ (Central Parliamentary Board) کی طرف سے جو جو حکم دیا گیا ان سب نے اس کو مانا اور ان ستر ممبروں سے ایک بھی کانگریس کے باہر نہیں گیا اور وہ سب کے سب پارٹی میں ہی رہے - اس لئے میں کہیں کہیں

نہیں کر سکتا کہ جیسا کہ سردار حکم سنگھ جی خیال کرتے ہیں کہ ان میں سے کوئی دوسری طرف چلا جاتا۔ ہاں وہ جو بھس - بائیس نئے کانگریسی بلے تھے ان میں سے شائد کوئی نکل جاتا۔ لیکن پھر بھی وہ جا کر مہجارتی (majority) نہیں بنا سکتے تھے۔ اس لئے ایسی بات ہونا بالکل ناممکن چیز تھی۔ ہاں جو گورنر کر سکتا تھا اسے گورنر نے کیا۔ اس نے ڈاکٹر گوپی چند بھارگوا کے استیعے کے بعد ایپوزیشن کے لیڈر شری بھو سین سچر - اور سردار پرتاپ سنگھ کیرو جو پنجاب کانگریس کے پردھان ہیں اور پنجاب اسمبلی کے ممبر بھی ہیں کو بلایا لیکن کسی نے بھی وزارت بنانے کی ذمہ داری نہ لی۔ ایسی حالت میں میں سمجھتا ہوں کہ ہمارے راشٹری کے پاس یا گورنر کے پاس اس کے سوائے اور علاج ہی کیا تھا کہ وہ اس وقت اس کانسٹیٹیوشن کو اس ڈھنگ سے سسپینڈ (suspend) کر دیتے جیسے کہ انہوں نے کیا اور اس ڈھنگ سے ایسا کام چلائے۔ اس کے علاوہ جو انہوں نے کیا دوسرا کوئی علاج نہ تھا۔ اور جہاں تک اس کے وہناک درشتیکوں کا سوال ہے یہ بالکل صاف ہے کہ وہاں کوئی غلطی نہیں ہوئی نہ راشٹری کی طرف سے نہ گورنر کی طرف سے اور نہ ہمارے پرائم منسٹر کی طرف سے۔ صرف سوال رہ جاتا ہے پارلیمنٹری بورڈ کا اور وہ پارٹی کا ایک انٹرنل

(internal) معاملہ ہے اور میں نہیں چاہتا تھا کہ اس کو یہاں ڈسکس (discuss) کیا جاتا اور اس جگہ یہاں اس کو بحث میں لایا جاتا۔ مگر جب آپ کہتے ہیں کہ وہاں کی کانسٹیٹیوشنل ڈیموکریسی (Consti-tutional democracy) کو ختم کیا گیا ہے تو میں ان سے ایسی بات سن کر حیران رہ جاتا ہوں۔ آخر ڈیموکریسی کس کو کہتے ہیں۔ تھوڑا بہت ڈیموکریسی کے جو میں مطلب سمجھتا ہوں وہ یہ ہیں۔

Pandit Thakur Das Bhargava: My hon. friend is not correct in saying that I stated that the Central Parliamentary Board had killed democracy in Punjab. On the contrary, I said that I am not going to discuss what the Parliamentary Board did. That is not the way he should argue. He is quite wrong in assuming it.

گیانی جی - ایس - مسافر : میرا کہنے کا مطلب یہ ہے کہ عام طور پر یہاں جو اسپیچیز (speeches) ہوئی ہیں ان میں یہ زور دیا گیا ہے کہ وہاں پنجاب میں ڈیموکریسی کو ختم کر دیا گیا ہے۔ لیکن اگر پلڈت بھارگوا جی کے منہ سے یہ الفاظ نہیں نکلے تو میں اس پر زور نہیں دیتا اور میں ان سے معافی چاہتا ہوں۔

میں کہتا ہوں کہ کہا گیا ہے کہ پنجاب میں ڈیموکریسی (democracy) کو ختم کیا گیا ہے۔ مگر میرا وچار ہے کہ ڈیموکریسی کو ختم نہیں

[کیانی جی - ایس - مسافر]

کیا گیا بلکہ دسمارسیسی کو اونچا کیا
 کیا ہے - آپ پنجاب کے بچے بچے سے
 پوچھئے - اس بات سے پلڈت بھارگو
 جی انکار نہیں کر سکتے جیسا کہ
 انہوں نے کل کہا کہ پنجاب کے لوگوں
 پر ظلم کیا گیا - وہ لوگ کون ہیں
 پنجاب کے ؟ جب سردار حکم سنگھ
 اسپیچ (speech) دے رہے تھے تو
 پلڈت جی بیچ میں بول پڑے -
 جب سردار حکم سنگھ نے کہا کہ پنجاب
 میں نجات دے (day) منایا گیا
 کہ منسٹری (ministry) چلی گئی
 پلڈت بھارگو جی نے کہا کہ اگلی
 دل والے ہونگے - یا ایسے لوگ جو
 کانگریس کے برخلاف ہیں - انہوں نے
 کہا ہے

Pandit Thakur Das Bhargava: All these things are put in my mouth which I never said. This is not fair; this is not the way of arguing.

Mr. Deputy-Speaker: What the hon. Member is saying is, I think, that at no time there was real democracy in Punjab. At any rate we have heard enough of this. There was an earlier resolution on which there was exhaustive discussion; this measure is only consequential.

Shri Rajagopalachari: This was repeatedly pointed out to Pandit Bhargava yesterday, when the Chairman was officiating for you. But he said that he was referring to these things because we want Parliament not to entrust authority to persons who did such and such or did not do such and such things. Therefore, he said that he was speaking strictly relevantly and I had to yield. I find that it is easier to save time by allowing people to say what they like than by trying to restrain them.

وزیر نعام (مولانا آزاد) : اس سے کوئی
 نہا نتیجہ نکلنے والا نہیں ہے - بلکہ
 جو ان کا مقصد ہے شاید اس کو اس سے
 نقصان پہنچے گا -

Mr. Deputy-Speaker: I can only say this much. I was not here yesterday. My own feeling is that this matter has been brought up advisedly in two stages. One was the confirmation of the Proclamation by way of a resolution which was approved by Parliament. All these matters were relevant at that time. So far as this measure is concerned, it is only consequential. The only point that arises is whether Parliament should take upon itself the responsibility of legislating on day to day matters so far as Punjab is concerned, or entrust it to the President, who in turn may delegate it to the Governor. It is a narrow point. Parliament never absolves itself of its responsibility.

Shri Rajagopalachari: I am sure hon. Members will bear this in mind. But if we try to raise points of order, there are ways of getting out of it.

مولانا آزاد : میں مسٹر بھارگو
 اور جو ان کے ہم خیال ہیں ان کی
 توجہ دلاؤں کہ جو ان کا مقصد ہے
 اگر یہاں اس طریقہ سے اس چیز کو
 بنایا جائے گا تو اس کو اس سے نقصان
 پہنچے گا -

سہی سونھی : وہ نیکسان کسے ہوگا ؟

مولانا آزاد : اس لئے کہ اس صورت
 میں ہم مجبور ہونگے - جو کارروائی
 کی گئی ہے وہ صحیح ہے اور اگر اس
 کارروائی میں ذرا بھی کمزوری آتی
 گئی تو پنجاب کے ساتھ جو نا انصافی
 کی جائے گی اس کو پوری قوت کے
 ساتھ کہیلگے - اس سے خود آپ کے
 مقصد کو نقصان پہنچے گا -

Shri Sondhi: If you want a discussion on this point, we are ready for it.

पंडित ठाकुर दास भागवत: बेहतर होता कि राजा साहब या हमारे मौलाना साहब बता सकते कि उन के दिल में क्या है, क्या वह कहना चाहते हैं और उस के कंसिडरेशन से क्या नुकसान पहुँचेगा It will be an evil day for India if threats are used for stifling discussions in the House.

Shri Rajagopalachari: Pandit Thakurdas made a very long speech yesterday; he also made one today. I deliberately tried even to dissuade the Chairman from taking a strict view of the matter yesterday so that he may be allowed to speak. Now when another Member also comes in, why should we intervene: Let everybody say what he wants.

Mr. Deputy-Speaker: I can only say that there may be no personal references. The hon. Member may go on, but keep the point of relevancy at least in the background.

Shri B. Das: I wish to raise a point of order. This is the first time that a Bill of this kind has come before this House. All of us know what our intentions in regard to the use of these emergency powers were two and a half years ago. Therefore, this House is justified in going into the action of the Home Minister and of the Government of India in having violated the constitutional principles as they were laid down in the Constitution. I do not see even the Law Minister in his seat. He must be able to tell us what was our intention two years ago.

Mr. Deputy-Speaker: I am not able to find any point of order in what the hon. Member has raised. All that I need say is that the whole matter came up before the House in the form of a resolution, which was unanimously adopted by the House. This measure deals with an ancillary matter: that is which is the agency which must legislate. This is a very simple point. If hon. Members however want to pursue the matter they may do so but no personal references need be made. Let them be as brief as possible.

گیانی جی-ایس- ساساؤ : میں بالکل جو کچھ اس بل کے سمبندھ میں کہنا ہے اس پر ایسے آپ کو محدود رکھنا چاہتا ہوں۔ مہرا کسی طرح یہ ارادہ نہیں ہے کہ ہاؤس کا وقت

خواہ مخواہ ادھر کی باتوں میں ضائع کروں۔ صرف رفرنس (reference) کے لئے اپنی بات کو پوری کرنے کے لئے مجھے نام لینا پڑا تھا۔ اور میں قیٹی اسپیکر صاحب کے حکم کی تعمیل کرتے ہوئے نام نہیں لیتا مگر جو باتیں ہاؤس میں آئیں ہیں وہ جن کا اس بل کے ساتھ تعلق ہے ان کے کہلے میں میرا خیال ہے کہ مجھے قیٹی اسپیکر صاحب نہ روکوں گے۔ میں تیسرا کرپسی کے متعلق کہہ رہا تھا۔ میں سچ کہتا ہوں کہ کانسی قیوشن کے اندر اگر کوئی پروویژن (provision) رکھل (recall) کا ہوتا تو پھر پتہ چل جاتا کہ پنجاب کی تیساکریسی کو ختم کیا گیا ہے یا اسے اونچا کیا گیا ہے۔ اس کے بارے میں الیکٹوریٹ (electorate) کیا کہتی ہے۔ یہ تھیک ہے جیسا میں نے پہلے ہی عرض کیا ہے کہ میں پارلیمنٹری بورڈ کی انٹرنل باتوں میں نہیں جانا چاہتا مگر جس پارٹی کے پاس حکومت تھی وہ کانگریس پارٹی تھی۔ سنٹرل پارلیمنٹری بورڈ نے یہ مناسب سمجھا کہ ہم کو اپنی پارٹی کی حکومت ایسی حالت میں پنجاب میں نہیں رکھنا چاہئے۔ پارلیمنٹری بورڈ تیساکریٹیکامی (democratically elected body) ٹیک ایلکٹڈ باتی (elected body) ہے اس پارٹی نے اپنی پارٹی کو حکم دیا کہ ہم پنجاب کی موجودہ حالت میں وہاں اپنی حکومت نہیں رکھنا چاہتے ہیں۔ ایسا کہوں

[کہانی جی۔ ایس۔ مسافر]
 کیا؟ اس کے متعلق مجھے زیادہ
 نہیں کہنا ہے۔ مگر میں اتنا کہنا
 چاہتا ہوں کہ ان کے اس ایکشن
 (action) سے پنجاب کے لوگ بڑے
 خوش ہیں۔ اگر میں کہہ دوں
 کہ ۹۵ فی صدی لوگوں نے اس
 بات پر خوشی منائی ہے تو اس
 میں کوئی مبالغہ نہیں ہوگا۔ آج یہاں
 ہاؤس میں کہا گیا کہ اسمبلی پنجاب
 کے اسمبلی ممبران کا کیا تصور ہے میں
 ان کا تصور کیوں بتاؤں۔ اس کے جواب
 میں کیونکہ میں خود ان ممبران
 کا ریپریزنتیٹو (representative)
 ہوں۔ بڑے دودھ اور بڑے دھبی سے
 اچھا مکھن نہیں نکل سکتا۔ اگر
 وہ بڑے ہیں تو میں بھی برا ہوں
 اس لئے میں ان کی ہرائی کا کوئی
 ذکر نہیں کرنا چاہتا۔ مگر اتنی
 بات کہتا ہوں کہ پارلیمنٹری بورڈ کا
 امپوشن یہی تھا۔ کچھ ممبران
 اسمبلی دستخط ایک طرف کرتے
 ہیں مگر ووٹ (Vote) دوسری طرف
 دیتے ہیں۔ مارچ میں جس لیڈر
 (leader) کو سرورسٹی سے چلنے میں
 اپریل میں اسے اُلٹ دیتے
 ہیں۔ خیر ان باتوں کی طرف نہ
 دیکھتے ہوئے میں کچھ ہمدردی
 ان سے ضرور کرتا ہوں کہ پنجاب
 اسمبلی کے ممبران کو اتنی سزا نہیں
 ملنی چاہئے۔ ان کا الونس
 (allowance) بیشک قائم رہے۔ جیسا
 سردار بھوپلند سنگھ مان نے کہا کہ

اسپیکر، صاحب (Mr. Speaker)
 کی کرسی قائم رہے۔ ڈپٹی اسپیکر قائم
 رہے۔ اس میں بھی مجھے کوئی
 اعتراض نہیں ہے اگر اس طرح تین
 چار مہینے شانتی سے گزر جائیں۔
 اس بارے میں جب پنڈت جواہر لال
 جی سے بات کی گئی تو ایک کمیٹی
 (executive committee)
 کی میٹنگ (meeting) میں انہوں
 نے کہا کہ آج بدقسمتی سے لا منسٹر
 (Minister of Law) حاضر نہیں
 ہیں۔ ان سے مشورہ کر کے کوئی بات
 ہو سکی تو وہ کریں گے۔
 اس لئے میں نے یہاں اس کا ذکر
 کیا۔ میرا خیال تو یہ ہے کہ
 ڈیپارٹمنٹ یہ نہیں ہے کہ جس ممبر
 کو ایک پارٹی اور چڑھا دے
 وہ اور چڑھے اس پارٹی
 کو بھول جائے۔ اگر کوئی ایسا کرے گا
 تو اس کا حال تو اس پنڈت کا سا ہوگا
 جو درر کے سہارے آسمان پر جا کر
 یہ بھول جائے کہ وہ کس کے سہارے
 آسمان میں ہے کیونکہ درر تو توتے ہی
 پنڈت آسمان میں نہیں رہ سکتا۔
 یہی حال اس ممبر کا ہوگا۔ اگر
 کوئی کسی پارٹی کے کلڈھے پر چڑھے
 اور پھلچ جائے اور پھر اس پارٹی کو
 بھول جائے تو کہا اس کا نام ڈیپارٹمنٹ
 ہے؟ تو ایسی حالت میں وہ بھی
 کرے گا اور ہو سکتا ہے کہ اس کرنے
 میں اس کی موت ہو جائے۔ یا اس
 کی ٹانگ توٹ جائے یا بازو توٹ جائے۔

اس لئے میں یہاں اس کے متعلق، اتنا ہی کہنا چاہتا ہوں کہ پنجاب کے لئے جو کارروائی کی گئی ہے وہ تھیک ہے اور جو یہ بل لایا گیا ہے اگر یہ پاس کر دیا جائے تو میں سولانا آزاد جی کے ساتھ سولہ آنے متفق ہوں کہ پھر پنجاب کے حالات جلدی اچھے ہو جائیں گے اور پھر وہاں نارمل پروسیجر (normal procedure) تھیک طرح سے شروع ہو سکے گا - ادھر ادھر ہاتھ مارنے سے یا اور کوئی پروویژن (-pro vision) کرنے سے یا سب کمیٹی وغیرہ بنانے سے کوئی فائدہ نہیں ہو سکتا۔ اگر آج آپ ڈیلیمنٹ کو اختیار دے دیں تو کل ہی آپ دیکھیں گے کہ سردار حکم سنگھ تڑپ اٹھیں گے کہ وہاں پنجاب میں تو ہماری کچھ سلووائی ہو بھی جاتی تھی مگر یہاں تو وہ نہیں ہو سکتی - اس طرح پنجاب کا حل تو تمہی ہو سکتا ہے جب کہ وہاں نارمل حالات پیدا ہوں - نارمل لہجہ سلیپر ہو اور وہاں کے منسٹر بنائے جائیں - مجھے امید ہے کہ اگر یہ چیز نئے الیکشن کے بعد وہاں کی جائے گی تو پھر سارے معاملات حل ہو جائیں گے -

ایک بات میں اپنی سرکار کے اور ہوم منسٹر صاحب کے گوش گزار کرنا چاہتا ہوں کہ کیوں میں نے اس بل کو سپورٹ کیا ہے - شائد میزے کٹی درست حیران بھی ہوں کہ میں ایک پبلک مین (public man)

ہوتے ہوئے اور باوجود اس کے میں کانگریس کا پریزیڈنٹ (president) بنی رہا ہوں - میں ایسے بل کی جس کے ذریعے سب اختیارات گورنر کو دئے جا رہے ہیں کہوں حمایت کرتا ہوں -

बाबू रामनारायण सिंह : ठीक , ठीक ।

کیا جی - ایس - مسافر : میں تھورا سا اپنے آپ کو ایکسپلین (explain) کرنے کے لئے کچھ اپنے ہوم منسٹر صاحب نے گوش گزار کرنا چاہتا ہوں اور ان کے ذریعے اپنے پروائم منسٹر صاحب کے اپنی سرکار کے اور اپنے راشٹر پتی جی کے گوش گزار کرنا چاہتا ہوں - کہ پنجاب میں جو یہ حالات پیدا ہوئے ان کی بڑی وجہ یہی ہے کہ جس پارٹی کی وہاں حکومت تھی اس پارٹی نے لوگوں کے ساتھ کچھ وعدے کئے ہوئے تھے - اگر وہ اقرار پورے نہیں ہوتے ہیں تو اس پارٹی کی بدنامی ضرور ہوتی ہے - کہا یہہ جاتا ہے کہ گورنر کا راج کر دیئے سے اور راشٹر پتی کے اس اعلان سے کانگریس کی بدنامی ہوئی ہے - لیکن میں ایسا نہیں خیال کرتا - میں کہتا ہوں کہ کانگریس کا وقار بڑھا ہے کیونکہ کانگریس ہی کے تو زور دیئے پر یہ کہا گیا ہے - الیکشن کی بات علیحدہ ہے - جو اس خیال کے ہیں کہ الیکشن کے پہلے پنجاب میں منسٹری بن جائے میں ان سے بھی متفق نہیں ہوں - میں کہتا ہوں کہ جسے آج یہاں اتپریدیہی

[گیانی جی - ایس - مسافر]

کے منسٹر شری گپتا جی کا سوال آیا اور کل کو اور کسی کا بھی آسکتا ہے تو ان شکایتی باتوں سے پنجاب تو بچ گیا۔ الیکشن میں روپیچے کا خرچ ہوتا ہی ہے۔ تو اگر شری گپتا جی نے کسی روپیچہ والے سے بات کی کہ تم کانگریس ہی مدد کرو تو اس میں انہوں نے کیا بری بات کی خواہ مخواہ چبچا ہو گئی۔ آجاریہ کر دینا نے بھی گپتا جی کا ذکر کیا اسلئے میں کہتا ہوں کہ یہ تو اچھا ہی ہے کہ پنجاب کی اس طرح کی باتیں پارلیامنٹ میں نہیں آئیں گی۔

Mr. Deputy-Speaker: Order order. Why should the hon. Member refer to something else in some other Pradesh? It is enough if he confines himself to his own Province. It is all out of order. There is no good making such references. Hon. Members will kindly bear in mind that those hon. Members who are not represented here have no opportunity to speak and therefore we ought not to cast any aspersions. We must be as chary of making aspersions upon some report—even though it might have been contradicted—as we would feel if aspersions are cast upon us. This ought not to be the forum for ventilating private grievances and attacking people who have no opportunity to represent themselves or to represent their case here on the floor of this House. I am exceedingly sorry that again and again this wholesome injunction is not observed by the House. (Interruption) The hon. Member need not have referred to Mr. Gupta and others.

Sardar B. S. Man (Punjab): We, Punjab people, were seeking some relief.

Mr. Deputy-Speaker: By all means, there is no objection. Far from restricting hon. Members from once again going into the matter which has been disposed of, I have been allowing Members to ventilate their grievances even though they are not relevant. But they ought not to go beyond their

territory and cast aspersions upon Ministers who are getting on well in their Provinces.

Shri Sondhi: He did not say a word against Mr. Gupta.

Mr. Deputy-Speaker: The word Gupta was used here.

Sardar B. S. Man: The trouble is due to the language. He did not cast any aspersion. He referred to the question that this very morning a certain name was mentioned. He did not cast any aspersions at all.

Mr. Deputy-Speaker: Let there be no reference to any outside Members.

گیانی جی - ایس - مسافر : میں نے نو بالکل اسپریشن عرض کیا تھا۔ میں دہلی اسپیکر صاحب کا ادب رکھتے ہوئے پرسنل ایکسپلینیشن (personal explanation) کے طور پر یہ کہنا چاہتا ہوں کہ میں نے تو یہ صاف عرض کیا تھا کہ میں وہاں گورنر کے راج کو اس وقت کہوں سپورٹ کر رہا ہوں۔ اس کی ایک وجہ تو یہ ہے کہ راشٹر پتی کے اس اعلان نے کانگریس کو بچا لیا کیونکہ اب کانگریس پر کوئی الزام نہیں آئے گا کہ اس نے الیکشن میں یہ کیا یا وہ کیا۔ الیکشن تو کانگریس جیتے ہی گئی کیونکہ پبلک (public) اس کے ساتھ ہے۔

میں ابھی ہوم منسٹر صاحب سے یہ عرض کر رہا تھا کہ پنجاب میں یہ حالات اس لئے پیدا ہوئے کہ جو پارٹی بوسو حکومت تھی وہ اپنے وعدوں کو پورا نہیں کر سکی۔ ہر پارٹی کے اپنے کچھ اصول ہوتے ہیں اور ہر پارٹی کچھ اقرار اور وعدے پبلک کے سامنے

کرتی ہے۔ پنجاب میں تین باتیں بڑی چلی آ رہی ہیں۔ ایک ہے ٹینینٹ (tenant) کا معاملہ یعنی ٹینینٹ سکيورٹی بل (tenant security bill)۔ دوسرا تھا ذیل داروں اور نمبرداروں کا معاملہ اور تیسرا تھا واٹر ٹیکس (water tax)۔ یہ تین معاملے پنجاب میں بہت عرصے سے چل رہے تھے۔ جس وقت میں پنجاب کی اسٹیٹ کانگریس کا پریزیڈنٹ تھا اس وقت بھی ان تینوں معاملوں کو ہم نے ایک پروستاؤ کے ذریعے پاس کر کے اس وقت کی منسٹری کے حوالے کر دیا تھا۔ کانگریس پارٹی تو یہ چاہتی تھی کہ یہ تینوں معاملے طے ہو جائیں کیونکہ پارٹی نے پبلک سے اس بارے کچھ وعدے کئے ہوئے تھے۔ تو بڑی جلدو جہد کے بعد پنجاب اسمبلی نے ایک بل ٹینینسی (tenancy) کے متعلق پاس بھی کیا۔ اسٹیٹ کانگریس کا یہ پروستاؤ تھا کہ لہند لارڈس (landlords) کے لئے ۵۰ ایکڑ زمین چھوڑ دی جائے اور باقی جو زمین ہے وہاں سے کسی ٹینینٹ کو بے دخل نہ کیا جائے۔ دوسرے جو ٹینینسی کے بڑھے ہوئے رینٹ (rents) ہیں ان کو بھی کم کیا جائے۔ تیسرے اگر لہند لارڈ کسی زمین کو بیچے تو جو اس زمین پر کا تیلر (tiller) ہو اس کو اسے خریدنے کا اول حق دیا جائے تو بڑی جلدو جہد کے بعد پنجاب اسمبلی نے اس کے متعلق ایک ایکٹ بلایا مگر اس

میں انہوں نے پنجاس ایکڑ کی بجائے ایک سو ایکڑ رکھا اور باقی چیزیں رکھی ہی نہیں۔ اس ایکٹ کے بعد بھی پنجاب میں مزاروں کی بے دخلیاں جاری رہیں اور بلکہ بڑھتی گئیں۔

اس لئے یہ جھگڑا اسٹیٹ کانگریس اور سرکار کا وہاں چل گیا۔ اگر اگریئر بل (Agrarian Bill) کے متعلق یہ بات ٹھیک تھی کہ وہاں پنجاب اسمبلی میں کچھ سجن ایسے بھی تھے جو لہند لارڈس تھے۔ انڈریسٹڈ (interested) تھے اپنی زمینوں کے ساتھ قدرتی طور پر۔ ان کا یہ خیال تھا کہ یہ معاملہ ہونا بھی ہے تو آہستہ آہستہ ہو۔ یہ بات پبلک (public) کے لئے بہت دکھدائی ہوئی اور اسٹیٹ کانگریس اور پنجاب سرکار کے بیچ کچھ کھیلچ تان پیدا ہوئی۔ میں اس بات پر یقین نہیں رکھتا کہ یہ ساری کارروائی صرف اس بات پر ہوئی ہے کہ پنجابی جھگڑے بہت ہیں۔ مجھے خوشی ہے کہ ہوم منسٹر صاحب نے پنجابیوں کے متعلق جو صحیح باتیں کہیں۔ وہ اچھی طرح ظاہر کر دی ہیں۔ انہوں نے ان کی خوبہوں کو بیان کیا ہے۔ یہ جھگڑے والی جو بات کہی گئی اس کے بارے میں بھی آپ کو آہستہ آہستہ یقین ہو جائے گا کہ اس میں کوئی وزن نہیں پنجاب کی جلتا ایک طرح ہی مخصوص کرتی ہے۔ میں اس کو کوئی جھگڑے

[کہانی جی - ایس - مسافر]

کی بات نہیں کہنا چاہتا ہوں - یہ تو ایک جلتا کا سوال ہے - تو میرا سمجھتا ہوں کہ جلتا اس معاملہ میں پنجاب کانگریس کے ساتھ تھی اس مزارعوں کے معاملہ کے متعلق -

دوسری بات تھی ذیلداری کی - پنجاب کانگریس نے کہا کہ یہ ذیلداری انسٹیٹیوشن (institution) بہت بدنام ہے - یہ پولیس کے ساتھ مل کر چھوٹی گواہیاں بناتے ہیں - یہ سمجھا جاتا تھا کہ ذیلداری کا سسٹم (system) کرپشن (corruption) کی ماں ہے آفیشیلس (officials) میں جو کرپشن (corruption) پیدا ہوتا ہے اس کے لئے یہ ذیلدار اور نمبردار ذمہ دار ہیں - تو اس سسٹم کو روٹو نہ کیا جائے جیسا کہ یہ برٹش (British) کے زمانہ میں تھا -

تیسری بات تھی واٹر ٹیکس (water tax) کی - واٹر ٹیکس وہاں پنجاب میں بڑھایا گیا اور اس واٹر ٹیکس کے بڑھنے کے خلاف پنجاب کانگریس نے کہا - اس نے کہا کہ یہ نہیں بڑھانا چاہیئے - اس کی وجہ یہ تھی کہ یہ جو واٹر ٹیکس کا بار تھا وہ چھوٹے کسانوں پر زیادہ تھا - میرا خیال ہے کہ ڈاکٹر دیشمکھ جی اس وقت کو دھیان سے سنیں گے - مجھے تو نام لینے سے بھی ڈر لگتا ہے - اب

پنجاب میں جو یہ واٹر ٹیکس گورنمنٹ نے بڑھایا تو یہ سارا کا سارا وہاں غریب کسانوں پر پڑتا ہے - اس کا بوجھ جو بڑے زمیندار ہیں ان کے اوپر نہیں پڑتا - اس کے متعلق کوئی پراپر انکوائری (proper enquiry) نہیں کی گئی - کہا گیا کہ کوئی انکوائری کر لی جائے کہ آیا اس کو بڑھانے کی ضرورت ہے یا نہیں اور اس کا اثر کہاں کہاں پڑے گا - پھر کہا گیا کہ کوئی اسکیل (scale) مقرر کر دیا جائے کہ جو چھوٹے کسان ہیں ان پر کم اثر پڑے اور بڑوں پر زیادہ اثر پڑے - اس طرح کا کوئی اسکیل مقرر کر دیا جائے - وہ بھی نہیں کیا گیا - پورے پنجاب کے وقت میں جو نہر کے افسروں کے اوپر خرچ تھا اسی طرح ان کا خرچ چل رہا ہے - اب پارٹیشن (partition) کے بعد بھی وہ اسی طرح چل رہا ہے - اس لئے اس کی انکوائری کر کے نہر کے افسروں کے خرچ کو گھٹا دیا جائے اور واٹر ٹیکس نہ بڑھایا جائے - مگر یہ بات پنجاب کانگریس کی نہ منانی گئی - یہاں سے یہ جھگڑا ہوا - یہ آج کا جھگڑا نہیں ہے - سرورکیہ سردار پٹیل جی نے جب میں پریسیڈنٹ تھا تو مجھے بلا کر سمجھایا تھا - تو میں نے یہ ساری باتیں ان سے کہیں تھیں کہ یہاں سے جھگڑا پیدا ہو رہا ہے - مگر بد قسمتی سے اس کا علاج کوئی نہ ہو سکا - تو جو پنجاب کی سرکار تھی وہ الیکٹوریٹ

(electorate) سے بہت دور چالی گئی اور اتنا فرق پڑ گیا کہ آہمچ یہ کہلے پر آ گئے ہیں کہ تقریباً ساری کی ساری جو جنتا تھی، وہ ان کے خلاف تھی۔

میں نے یہ سب اس لئے کہا کہ میں اپنے ہوم منسٹر صاحب اور پرائم منسٹر صاحب کے گوش گزار کروں کہ میں اس بات کی تو نائید کرتا ہوں کہ یہ بل ہو یہو پاس کر دیا جائے۔ مگر اس کے پاس ہونے کے بعد - گورنر کو اختیارات مل جانے کے بعد - اگر ان تین باتوں کا کوئی علاج نہیں ہوا تو پھر جو بھی کام ہے وہ تھیک تھنگ سے نہیں چلیگا اور حالت اس سے بھی زیادہ خراب ہو جائیگی - اسلئے میں بڑے ادب سے یہ نڈارش کرتا ہوں کہ وہاں پر گورنمنٹ آف انڈیا (Govt. of India) اپنے اثر سے اور دسوخ سے گورنر پر اس بات کا زور دے کہ وہ اس سلسلہ میں پنجاب اسٹیٹ کانگریس کی بات یعنی دوسرے معنی میں پنجاب کی چلتا کی اس آواز کو مان لیں۔ یہ دو تھن مہلے کی جو تھوڑی سی عمر ان کو حکومت کرنے کی ملی ہے اس میں وہ اس چلتا کی بات کو مان لیں - گورنری حکومت کے بارے میں ایک بات واضح کر دوں - میں سمجھتا ہوں کہ یہ تو ایک ورکنگ (working arrangement) ہے - گورنر کے پاس اختیارات کہاں ہیں؟ اختیارات

تو ہمارے راشٹریتی کے پاس ہیں - راشٹریتی کو یہاں اس جگہ پارلیمنٹ اختیارات دے رہی ہے - یہ ورکنگ اپلیمنٹ ہے جو تھوڑے عرصہ کے لئے ایڈوانس حالت میں کیا گیا ہے -

میں دیکھتا ہوں کہ اس وقت تک جو کچھ کام گورنر نے پنجاب میں اس عرصہ میں کیا ہے - بلیک مارکیٹ (black market) کو بند کرنے کے لئے اور آفیشیلس میں ایفیشیلسی (efficiency) لانے کے لئے ایڈمنسٹریشن (administration) کو تھیک کرنے کے لئے جو جو کام اسوقت تک لہنوں نے کئے ہیں۔ میں اس کی تعریف کرتا ہوں - میں کہتا ہوں کہ وہ کام اچھا کیا ہے - ہاں ایک بات میں یہاں بھی کہنا چاہتا ہوں - ان کو دیکھنا چاہیئے کہ جو بڑے بڑے آفیشیلس ہیں ان کی طرف بھی متوجہ ہوں صرف چھوٹوں کی طرف ہی نہیں - بلیک مارکیٹ کے متعلق بھی کچھ باتیں کی ہیں - انہوں نے کچھ گرفتاریاں کی ہیں - مگر میں یہاں یہ بھی کہنا چاہتا ہوں کہ کہیں آئے کے ساتھ کہیں نہ پس جائے۔ لہذا نہ ہو کہ کوئی ایک بھی بے گناہ اس میں مارا جائے - گورنر صاحب اس شوق میں کہ کہیں ایسا ثابت کرنے کے لئے کہ ہمارا جو ایڈمنسٹریشن (administration) ہے وہ پہلے سے اچھا ہے کہیں ایسی جلدی نہ کریں اور اس طرح سے گرفتاریاں نہ کریں

[گہانی جی - ایس - مسافر]

کہ اس پیکو دھکو میں بے گناہوں کو پیکو لیں - انہوں نے جو کچھ اب تک کہا ہے اس میں جن کو پیکو جانا ہے ان کے لئے ہائی کورٹ (High Court) کا دروازہ ابھی کھلا ہے - میں پنجاب میں جگہ جگہ چکھ پھرا ہوں - امرتسر کے بیوپاریوں کو ملا تھا کیونکہ امرتسر کی حالت کچھ پیچیدہ ہے - بارٹر (border) پر ہونے کی وجہ سے - یہ پاکستان کے ساتھ جو روپیہ کی ریشو (ratio) کا جھگڑا تھا اس کے ختم ہو جانے کے بعد بھی گورنمنٹ آف انڈیا اور پاکستان گورنمنٹ کا کوئی تریڈ ایگریمنٹ (Trade Agreement) پورے طور سے نہ ہونے سے رہاں کچھ بیوپاری پہلے بھی صحیح طور پر دس سہٹسڈ (dissatisfied) تھے - اب وہاں کچھ گرفتاریاں بھی شروع ہوئی ہیں - اس سلسلہ میں میں ہوم منسٹر صاحب کی وساطت سے گورنر صاحب تک یہ بات پہنچاؤنگا کہ وہ اس میں تھوڑی سی احتیاط برتیں - ہاں اب جو تھوڑا کھڑا آسانی سے ملے لگا ہے اور جو اور اچھی باتیں ہوئی ہیں ان سے عام لوگ خوش ہیں - اس لئے میں پھر ان الفاظ کے ساتھ اس بل کی حمایت کرتے ہوئے جو دو تین باتیں میں نے گویا گزار کی ہیں میں امید کرتا ہوں کہ ان کا دھیان رکھا جائیگا - ان الفاظ کے ساتھ میں اس بل کی تائید کرتا ہوں -

(English translation of the above speech)

Giani G. S. Musafir (Punjab): Sir, I support the Bill moved in connection with the Punjab affairs as it stands. I would like to say a few words as to why I support this measure. My hon. friend Pandit Thakur Das Bhargava, who is an able advocate and one of the oldest members of this House, has made only one point in his lengthy speech and has emphasized it. It is a separate thing that he has raised a constitutional point in his capacity as an able advocate and as an old member of this House. But he has not confined his remarks to that only; on the other hand he has raised a number of other points also which bear no relation to the constitution but are mainly related to a particular situation. Being in close touch with the public life of Punjab for the last so many years I claim to know something about the implications of the Punjab situation.

The first thing which I want to submit is that if any legislation other than this one is to be adopted at this time, it would do no good to Punjab, but on the other hand, would only bring harm to it. Now, why should it bring harm to Punjab? That is because the Bill, which has been introduced, clearly shows that the conditions prevailing in Punjab have become abnormal. This is indeed a bitter truth, and so this Bill had to be brought. Our President referred to it in his address and the hon. Minister of Home Affairs too made a mention of it, and we too feel that this has been done by reason of the abnormal conditions. But perhaps Pandit Bhargava might be thinking that there were no abnormal conditions prevailing there. I differ from him on this point and am of the opinion that the situation was such as required such a drastic remedy. I do not deny that it is a bitter duty that the President has been called upon to perform under abnormal conditions. Everybody would agree that this bitter state of affairs should be put an end to at an early date. But we cannot put an end to it by appointing a sub-Committee or, as some of the hon. Members have suggested, by handing over this work to Parliament or, as Pandit Bhargava has suggested by entrusting Sardar Baldev Singh, Sardar Man and others with this job. He has suggested many other things in this connection. But I am of the opinion that no temporary measures which might be adopted would have a desirable effect, rather that would mean prolonging this sorry state of affairs. In fact the only

remedy for it is that the case should again go to the Punjab Legislative Assembly and that body should make the necessary legislation in this connection and should consider it; and in this way the Punjab Ministry be reconstituted. Abnormal conditions can be brought to normal in this manner alone. Apart from this measure any other temporary measures would only prolong the malady, and can in no way remedy it. Whenever any question is to be side-tracked suggestions are given to appoint a Sub-Committee. The Committee seldom meets while time passes on, with the result that the whole thing hangs in the air and the issue remains unresolved. Therefore, I think the real remedy is that normal conditions should return in Punjab. It requires to be considered whether the present Legislative Assembly is in a position to restore those conditions there. To this I say that it is a question of only five or six months; the elections would be held during the coming four months, after those elections normal conditions should be restored in Punjab. It will not do if a Sub-Committee is appointed or Parliament is entrusted with this work. No doubt Parliament can be entrusted with any work in any abnormal situation, but what is required is that conditions should become normal in Punjab as soon as possible. Hence I think the only remedy is that elections should be conducted there as soon as possible. What Pandit Bhargava has said about the elections is, no doubt, right. Pandit Bhargava has also said—and I have been surprised to hear those words from such an able person—as to why did the Governor not invite those seven members who formed the opposition in the Punjab Assembly to form a Ministry. Seventy Members in that Assembly belong to one party viz. the Congress Party; whereas the remaining seven are in Opposition—they have no party of their own, nor are they in the requisite strength to form a party. Out of those seven members, three are Akalis, three are Socialists and one is an old Unionist. And, this party has no name even. So I do not think it is proper to blame the Governor for not inviting those persons to form a Government, or to express the view that he has shown his unfitness, or has made a mistake in not doing so.

Sardar Hukam Singh (Punjab): What Panditji means is that some members out of those seventy would have joined the Opposition on such an occasion.

Giani G. S. Musafir: I do not agree there because had any member out of those seventy been desirous of quitting, he would have certainly resigned from the party at that time. In my opinion, it is a credit to the Punjab Congress party that they unanimously accepted the orders of the Central Parliamentary Board and there was not a single member who decided to leave Congress; on the other hand all of them remained in the Congress. Hence I would never expect, as Sardar Hukam Singh presumes, that any one out of the Congress members would have crossed the floor. Nevertheless it was possible that some of the new converts to the Congress, who were twenty or twenty-two in number, might have crossed the floor. But in spite of that they were not in a position to form a majority in the House. So it was quite impossible that such a thing should ever have happened. All the same, the Governor has done whatever he could. After the resignation of Dr. Gopi Chand Bhargava he had invited the Opposition leader Shri Bhim Sen Sachar and Sardar Pratap Singh Kairon, President of the Punjab Congress, who is also a member of the Punjab Assembly. But none of them took the responsibility to form the Government. Under the circumstances, I think the President or the Governor had no other alternative but to suspend the Constitution in the manner they did and carry on. So far as the Constitutional position is concerned, it is quite clear that there has been no mistake on that account either from the President's side or from the Governor's or the Prime Minister's side. The only question that remains is of the conduct of the Parliamentary Board. Now that is an internal affair of the party. I should never have liked to bring it in here and make it a subject of discussion. But when he says that constitutional democracy has been put to an end there, I am certainly surprised to hear those words. After all, what is the meaning of democracy? What little I understand about democracy is.....

Pandit Thakur Das Bhargava: My hon. friend is not correct in saying that I stated that the Central Parliamentary Board had killed democracy in Punjab. On the contrary, I said that I am not going to discuss what the Parliamentary Board did. This is not the way he should argue. He is quite wrong in assuming it.

Giani G. S. Musafir: What I mean to say is that generally in all the speeches delivered here it has been

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emphasized that democracy has been brought to an end in Punjab. But if Pandit Bhargava has not really said those words, I would not lay stress on them but would, on the other hand, like to be excused. It has been said that democracy has been killed in Punjab. But my own impression is that democracy has not been killed there, but has, on the other hand, been vindicated. Ask from any child in Punjab what it has meant. Pandit Bhargava cannot deny it. He said yesterday that injustice had been done to the people of Punjab. Who are those people of Punjab? When Sardar Hukam Singh was delivering his speech, Pandit Bhargava interrupted him when he said that after the liquidation of the Punjab Ministry "Deliverance Day" was celebrated in the Punjab. Pandit Bhargava said they might have been the followers of the Akali Dal or those who did not see eye to eye with the Congress. He said.....

Pandit Thakur Das Bhargava: All these things are put in my mouth which I never said. This is not fair; this is not the way of arguing.

Mr. Deputy-Speaker: What the hon. Member is saying is, I think, that at no time there was real democracy in Punjab. At any rate we have heard enough of this. There was an earlier resolution on which there was exhaustive discussion; this measure is only consequential.

Shri Rajagopalachari: This was repeatedly pointed out to Pandit Bhargava yesterday, when the Chairman was officiating for you. But he said that he was referring to these things because we want Parliament not to entrust authority to persons who did such and such or did not do such and such things. Therefore, he said that he was speaking strictly relevantly and I had to yield. I find that it is easier to save time by allowing people to say what they like than by trying to restrain them.

The Minister of Education (Maulana Azad): This would yield no fruitful results. On the other hand, it may possibly harm his own objective.

Mr. Deputy-Speaker: I can only say this much. I was not here yesterday. My own feeling is that this matter has been brought up advisedly in two stages. One was the confirmation of the Proclamation by way of a resolution which was approved by Parliament. All these matters were relevant

at that time. So far as this measure is concerned, it is only consequential. The only point that arises is whether Parliament should take upon itself the responsibility of legislating on day to day matters so far as Punjab is concerned, or entrust it to the President, who in turn may delegate it to the Governor. It is a narrow point. Parliament never absolves itself of its responsibility.

Shri Rajagopalachari: I am sure hon. Members will bear this in mind. But if we try to raise points of order, there are ways of getting out of it.

Maulana Azad: I would like to draw the attention of Mr. Bhargava and others who share his viewpoint to the fact that if the argument is prolonged in this way it would defeat its own purpose.

Shri Sondhi (Punjab): How would that be defeated?

Maulana Azad: In that case we would be compelled to take other steps. Whatever action has been taken is correct, and if any laxity is shown in this measure, it will be an injustice to Punjab. We must say it with all the emphasis at our command. This would harm your own cause.

Shri Sondhi: If you want a discussion on this point we are ready for it.

Pandit Thakur Das Bhargava: It would have been better had our Rajaji or Maulana Saheb been in a position to disclose what was in their minds and what they exactly wanted to say; and what harm would result if those things were brought under consideration. It will be an evil day for India if threats are used for stifling discussion in the House.

Shri Rajagopalachari: Pandit Thakurdas made a very long speech yesterday; he also made one today. I deliberately tried even to dissuade the Chairman from taking a strict view of the matter yesterday so that he may be allowed to speak. Now when another Member also comes in, why should we intervene? Let everybody say what he wants.

Mr. Deputy-Speaker: I can only say that there may be no personal references. The hon. Member may go on, but keep the point of relevancy at least in the background.

Shri B. Das: I wish to raise a point of order. This is the first time that a Bill of this kind has come before this House. All of us know what our intentions in regard to the use of these

emergency powers were two and a half years ago. Therefore, this House is justified in going into the action of the Home Minister and of the Government of India in having violated the constitutional principles as they were laid down in the Constitution. I do not see even the Law Minister in his seat. He must be able to tell us what was our intention two years ago.

Mr. Deputy-Speaker: I am not able to find any point of order in what the hon. Member has raised. All that I need say is that the whole matter came up before the House in the form of a resolution, which was unanimously adopted by the House. This measure deals with an ancillary matter: that is which is the agency which must legislate. This is a very simple point. If hon. Members however want to pursue the matter they may do so but no personal references need be made. Let them be as brief as possible.

Giani G. S. Musafir: I would confine my remarks to the provisions of this Bill only. I have no intention to waste the time of the House over things which are not relevant to the point at issue. Only to make myself fully understood I had to refer to some names. Now in compliance with the directions of the Deputy-Speaker I would refrain from mentioning any names. But I hope he would be kind enough to allow me to refer to those things which have been mentioned in the House and which are relevant to this Bill. I was speaking about democracy. I honestly say that had there been any provision of recall in the Constitution we would have come to know whether democracy has been put to an end in Punjab or whether its dignity has been raised. What does the electorate say about it? It is proper, as I have said before, that I should not go into the internal affairs of the Parliamentary Board. But the Party which was in power there was the Congress Party. The Central Parliamentary Board thought it advisable not to let the Congress Government continue there under those conditions. The Parliamentary Board is a democratically elected body and it instructed the Punjab Assembly party that they were not in favour of running the Government there in the then prevailing conditions. Why they did like that I have nothing much to say about it. I would only say this much that the people of Punjab rejoiced at their decision. There is no exaggeration in it if I say that 95 per cent. of the population rejoiced over it. It has been asked in the House today as to what was the fault

of the members of the Punjab Assembly in this crisis. In reply to this I would say that why should I narrate their faults, for, after all, I am myself a representative of theirs. You cannot expect good butter from bad milk and curd. If they are bad I am bad too; so I do not want to make any mention of their faults. But the impressions of the Parliamentary Board were that the members of the Assembly signed for and pledged their support to one group but sided with the other at the time of voting—and he whom they unanimously elected their leader in a certain month, was turned out from office in the next. But notwithstanding all this, I do have some sympathy for them and it is my desire that they should not be punished to such an extent. They might continue to draw their allowances. As Sardar Bhopinder Singh Man has pointed out the Speaker's and the Deputy Speaker's offices might continue. I have no objection to that if three or four months can pass peacefully in this way. When we talked about it to Pandit Jawaharlalji, he said at the meeting of the Executive Committee that unfortunately the hon. Minister of Law was not present at that time and if anything was possible it would be done after consultation with him. This is why I mentioned it here. I think this is no democracy that a member who has been raised to a certain position by a particular party should ignore that party. If he does so, his condition would be like that of the kite which flies in the sky with the help of a thread, but while flying in the sky becomes oblivious of the thread that supports it; for once the thread snaps, the kite can no longer stay in the sky. Same would be the condition of such a member. If a member rises to a certain position with the help of a certain party and after that he ignores that party, can we call that democracy? In such a case his fall is certain and it may result in his death or in some kind of disability. Hence I would like to say only this much in this connection that whatever action has been taken in regard to Punjab is right and proper. If this Bill is passed—I am in complete agreement with what Maulana Azad says—the Punjab situation will soon revert to normal, and after that normal procedure will be adopted there as a matter of course. It is no use having a Sub-Committee appointed, or making other provisions or making vain efforts. If today you give this power to Parliament tomorrow you will find Sardar Hukam Singh crying out that somebody might have listened to him in the Punjab, but that nobody listens to him

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here. So the Punjab crisis will be solved only when things come to normal there, a normal legislature is elected and ministers are appointed. I hope if this procedure would be adopted there, after the new elections take place, all the problems would be solved.

Why do I support this Bill? I would like to submit one thing to the Government and to the Minister of Home Affairs in this connection. Perhaps some of my friends would be surprised as to why inspite of my being a public man and having worked as the President of the Congress, I am lending my support to his Bill which seeks to transfer all powers to the Governor.

Babu Ramnarayan Singh (Bihar): Yes, exactly so.

Giani G. S. Musafir: In order to explain myself a bit I would like to submit a few words to the hon. Minister of Home Affairs and through him to our Prime Minister and to the Government and to the President. The reason why such a situation developed in Punjab is that the party in power there had made certain promises to the people of that State. It is natural that that party should come into disrepute if those promises are not fulfilled. It is said that the Congress has been brought into disrepute by the President's Proclamation leading to the establishment of the Governor's rule there. But I do not agree with this view. On the other hand, I say that the prestige of the Congress has been raised by such an actibn, because it has been done on the initiative of the Congress itself. Leave aside the question of elections; I do not agree even with those persons who are of the opinion that a ministry should be formed in Punjab before the elections actually take place. Today the question of the Uttar Pradesh Minister Shri Gupta was raised here in the House; tomorrow it may be the turn of someone else. Punjab is saved at least from such complaints. Everybody knows that money is spent in the elections and if Shri Gupta has asked some affluent persons to help the Congress, what wrong has he done? The matter was raised here and Acharya Kripalani also mentioned the name of Guptaji. So I say that it is good that complaints of this nature regarding Punjab would not come before Parliament.

Mr. Deputy-Speaker: Order, order. Why should the hon. Member refer to

something else in some other Pradesh? It is enough if he confines himself to his own Province. It is all out of order. There is no good making such references. Hon. Members will kindly bear in mind that those hon. Members who are not represented here have no opportunity to speak and therefore we ought not to cast any aspersions. We must be as chary of making aspersions upon some report—even though it might have been contradicted—as we would feel if aspersions are cast upon us. This ought not to be the forum for ventilating private grievances and attacking people who have no opportunity to represent themselves or to represent their case here on the floor of this House. I am exceedingly sorry that again and again this wholesome injunction is not observed by the House. (*Interruption from Sardar Hukam Singh*). The hon. Member need not have referred to Mr. Gupta and others.

Sardar B. S. Man (Punjab): We, Punjab people, were seeking some relief.

Mr. Deputy-Speaker: By all means, there is no objection. Far from restricting hon. Members from once again going into the matter which has been disposed of, I have been allowing Members to ventilate their grievances even though they are not relevant. But they ought not to go beyond their territory and cast aspersions upon Ministers who are getting on well in their Provinces.

Shri Sondhi: He did not say a word against Mr. Gupta.

Mr. Deputy-Speaker: The word Gupta was used here.

Sardar B. S. Man: The trouble is due to the language. He did not cast any aspersion. He referred to the question that this very morning a certain name was mentioned. He did not cast any aspersions at all.

Mr. Deputy-Speaker: Let there be no reference to any outside Members.

Giani G. S. Musafir: I have clearly stated it. Sir, you would excuse me if I say so—I have clearly stated that this is by way of personal explanation as to why I support the Governor's rule there. One of the reasons is that the President's Proclamation has saved the Congress there, as it would not now be accused of doing this thing or that in the elections. Of course, Congress will come out victorious in the elections because the people are at its back.

What I was submitting to the hon. Minister of Home Affairs just now was that such a situation arose in Punjab because the party in power could not fulfil the promises which it had made to the people of that State. Every party has a set of principles and every party makes some promises to the public. There have been three main problems in the Punjab, one is about the tenants i.e. the Tenant Security Bill, the second is the question of *Zaildars* and *Lambardars*, and the third is that of water-tax. All these three questions are pending solution since long. During my tenure of office as President of the Punjab State Congress, a resolution with respect to these three main questions was passed and it was handed over to the then ministry. The Congress party wanted that all the three questions should be decided because the party had made some promises to the public in that connection. So after a hard struggle the Punjab Assembly was induced to pass a tenancy bill. The proposal of the State Congress was that fifty acres of land should be left to the landlord and that from the rest of the land no tenant should be ejected. Secondly it was suggested that the enhanced rents of the tenants should be reduced. The third suggestion was that in case the landlord decides to sell any piece of land, the tiller of that piece of land should get the first preference to purchase that land. After a hard struggle the Punjab Assembly was induced to pass an Act for this purpose, but instead of incorporating a provision for fifty acres of land they made a provision for one hundred acres of land and so far as the other things were concerned they totally neglected them. Even after the new Act had been promulgated the ejection of tenants not only went on but went on increasingly. So differences arose between the State Congress and the Government there. So far as the Agrarian Bill is concerned it is true that some of the members of the Punjab Assembly were landlords. Naturally they were interested in their own lands. They held the view that if it was to be done at all, it should be done gradually. It was a painful thing for the public, and it resulted in a rift between the State Congress and the Punjab Government. I do not believe that the whole thing happened because *Punjabis* are habitually quarrelsome. I am happy that the Minister of Home Affairs has rightly stated the truth about the *Punjabis*; he has described their virtues. Even with regard to this dispute you will gradually come to believe that it carries no weight at all. The people of Punjab have just one feeling in the

matter. I would not like to call it a matter of dispute. It is a question which relates to the people, and I think the people are with the Punjab Congress on this question—the question of the tenants.

The second thing relates to the institution of *Zaildari* system. The Punjab Congress has declared that the institution of *Zaildari* is a disreputable institution. They fabricate false evidence in collusion with the police. The general feeling there has been that the *Zaildari* system is the mother of corruption. These *Zaildars* and *Lambardars* are responsible for the corruption in the officialdom, and as such it was not desirable to allow its continuance in the form in which it existed during the British rule.

The third thing related to the water-tax. Water-tax was enhanced in Punjab and the Punjab Congress raised its voice against it. The Congress demanded that it should not be increased in any way. The reason why they opposed that move was that the burden of this tax fell on the petty tenants alone and it was too much for them. I hope Dr. Deshmukh would kindly listen to this carefully, I am almost afraid of mentioning any names. The burden of the water-tax, that has been increased by the Government in Punjab, falls mostly on the poor *Kisans* there. It does not in any way fall on the big landlords. No proper enquiry was made in this connection. We suggested that an enquiry should be made to find out whether there was any necessity for increasing that tax or not, and also as to who were the persons affected thereby. Again it was suggested that a scale should be fixed so that the burden of this tax should fall more on the big tenants and less on the petty ones. It is essential that some scale of this nature should be fixed. Even that was not done. The expenses that were incurred on the Canal Officers of the United Punjab, still continue. Even after the partition this goes on as before. Hence it was suggested that an enquiry should be instituted, the expenses incurred on the officers should be reduced, and the water-tax should not be increased in any way. But this suggestion of the Punjab Congress was rejected and so the dispute arose. This is not a fresh dispute. When the late Sardar Patel was amongst us, he called me and reasoned with me. I was President of the Punjab Congress at that time. I narrated the whole story to him and submitted that that was the root cause of the dispute. But unfortunately the

[Giani G. S. Musafir]

malady was not cured and the Punjab Government alienated the goodwill of the electorate. The gulf widened, so much so that today we are prepared to concede that almost all the people had turned against them.

I have said all these things because I want to draw the attention of the hon. Minister of Home Affairs and the Prime Minister to my stand that this Bill should be passed as it stands, but after this Bill is passed and the Governor gets the powers, if these three problems are not solved, work will not go on smoothly and conditions will worsen. Hence I most respectfully submit that the Government of India should use their influence and urge the Governor to accept these demands of the Punjab State Congress, which represent the voice of the people of the Punjab. It is good if he accepts the demands of the people in this short period of two or three months, for which he has got the chance to rule that State. I may make one thing clear about the Governor's rule. I think it is a working arrangement. Where has the Governor got the powers? Powers are with our President and the President in his turn receives these powers from the Parliament. It is only a working arrangement which has been made for a short period under abnormal conditions. I appreciate all the steps that the Governor has taken so far in Punjab for uprooting black-marketing, for raising the standard of efficiency of the officials and for improving the tone of the administration in Punjab. I say he has done very good work. But I would like to say one thing more. We should see that we focus our attention not only upon petty officials but upon big ones too. He has taken certain steps in connection with black-marketing as well. Some arrests have been made. But even here I would like to point out that he should see that innocent persons are not in any way put to trouble. His Excellency the Governor, in his anxiety to prove that the tone of the administration is better now, should not take hasty steps and make arrests of the innocent people. The door of the High Court is still open for justice for the persons who have been arrested. I have toured all over Punjab. The traders of Amritsar had a grievance. The situation in Amritsar is somewhat complex as it is situated on the border. Even after the dispute about the exchange ratio of the Indian and the Pakistan rupees has been settled, no proper trade agreement has been

entered into between the two Governments, with the result that the traders are highly dissatisfied there. Now some arrests have been made. In this connection I would like to convey my request to His Excellency the Governor through the hon. Minister of Home Affairs that he should be a bit cautious in the conduct of his campaign. No doubt the people are satisfied now with the availability of cloth and many other things. So, while supporting this Bill, I hope the two or three points that I have stated here, would receive due consideration.

With these words, Sir, I support this Bill.

Dr. S. P. Mookerjee (West Bengal): We have discussed since yesterday a number of points arising out of this Bill affecting the administration of the Punjab which may not be of immediate relevance to the subject matter of the Bill. We are not discussing here today as to whether action should have been taken by Government under article 356 or not. That matter is closed. The resolution moved by Government has been accepted by the House. Still we are discussing a matter of great constitutional importance and I would appeal to the Home Minister to consider that aspect of the matter more than the other criticisms which have been made on the floor of the House.

It has been suggested that what we are doing now is more or less a consequential step after action has been taken by Government under article 356. With all respect, I should submit that this is not a consequential step. In fact even if this Bill was not introduced, yet the Government or the President would have been armed with sufficient powers under article 356 to deal with the affairs of the Punjab constitutionally. What is proposed to be done now? It is proposed that the law making power, which has been vested in Parliament, should be delegated to the President and there should be the power of sub-delegation given to the President so that he may delegate the same to any other authority of his choice, subject to such conditions which he may impose. That is the proposal before us.

11 A.M.

Before I deal with this, I may digress a little and refer to the fundamental distinction between section 93 of the Government of India Act, 1935 and articles 356 and 357 of our own Constitution.

Mr. Deputy-Speaker: Can he take the powers of the Legislature?

Dr. S. P. Mookerjee: No. Therefore, he has to come to Parliament.

Mr. Deputy-Speaker: Under article 357.

Dr. S. P. Mookerjee: Under article 356(1)(b), legislative powers vest in Parliament.

Mr. Deputy-Speaker: It is stated, "other than the Legislature of the State".

Dr. S. P. Mookerjee: Under article 356(1)(b), the President may—

"declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament."

That has been so declared by the Proclamation. If this Bill is not brought before us, Parliament and Parliament alone will be able to deal with legislative measures. In fact, that fact has been made clear in the Statement of Objects and Reasons given by the hon. Home Minister.

India never liked a provision like section 93 of the Government of India Act, 1935. I need not remind the hon. Home Minister about it because he happened to be the Chief Minister of one of the Indian provinces when for the first time this provision was made applicable on a large scale to India. I also happened to be associated with the Ministry in Bengal in 1941-42 in respect of which section 93 was put into operation in 1943 by the then Governor at a time when the Ministry in power had a majority in the House. But, the Governor and the permanent officials did not like the coalition which was then controlling the affairs of the province. This was an obnoxious provision which no self-respecting Indian ever liked.

When a similar provision like that was enacted in our Constitution, as you will remember, Sir, there was a long and heated debate and certain fundamental principles were laid down there. Sardar Patel made it clear that the objective of the Government in free India was entirely different from the objective of a foreign Government ruling over the destinies of India. In fact, the hon. Home Minister himself while moving the resolution on Punjab,.....

Shri Sondhi: The then Home Minister?

Dr. S. P. Mookerjee: The present Home Minister, Shri Rajagopalachari. While moving this resolution on the 9th, last week, he referred to this

point. I have got his speech here. He said:

"This is not the same as the old picture under section 93 of the Government of India Act by which provincial autonomy was substituted by arbitrary authority under certain circumstances. Here there is no cessation of responsibility to democracy."

I would ask the House to bear in mind this remark of the hon. Home Minister:

"Here there is no cessation of responsibility to democracy".

What is proposed to be done by this Bill practically puts an end to all democracy so far as the law-making power is concerned.

Shri Sondhi: The finest example.

Dr. S. P. Mookerjee: The hon. Home Minister can say that he is acting under the provisions of the Constitution. I do not deny that. The Constitution does give the power to Parliament to delegate its law-making power to the President and the President also may sub-delegate it to somebody else. In this instance, the Government's intention is that this sub-delegation will be made to the Governor of the Punjab. I have nothing personally against the present Governor; in fact, if I may say so, he is one of the most outstanding administrators in India today and he has been discharging a most difficult task in a splendid way. I am not casting any reflection on him personally at all. But, it is a vital question of principle.

What is the structure that we have put up in our Constitution? If it appears that a particular State cannot be administered according to the provisions of the Constitution, then, the Governor reports to the President and the President acts under article 356. Here, I will ask the House to bear with me when I explain how the provisions of article 356 give us a completely different picture from what obtained under section 93 of the Government of India Act. There, the Constitution was suspended, democracy ceased to exist, the Governor acted in his discretion and was responsible only to the Governor General, and to none else and the Governor General also in his turn was responsible to the British Parliament through the Secretary of State. That was the chain of sequence which was deliberately laid down in the Government of India Act. What is the chain that we have laid down in our Constitution? We have said that

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the President will assume to himself under article 356(1) (a)—

"all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or Rajpramukh, as the case may be, or any body or authority in the State other than the Legislature of the State;"

Let me pause here for a moment. What does this mean? It does not mean cessation of democracy. The President here means not the President individually, but the Government of India. So, practically, the particular State which comes under the operation of article 356 is transferred body and soul to the care of the Government of India. It is a sort of a new central or federal subject that we may create for the time being, and the responsibility for looking after the interests of that State will vest not in any individual arbitrarily, however glorious or outstanding he may be, but in the Government of the Union, responsible to an elected Parliament. That is what it means.

Mr. Deputy-Speaker: Even as a Part C State.

An Hon. Member: Or worse than that.

Dr. S. P. Mookerjee: It means virtually a Part C State for the time being. That is with regard to administration.

Then, sub-clause (b) says the President may—

"declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament;"

Here a good deal of care was taken to ensure that even the President should not function normally under his Ordinance making power. The President will exercise the normal administrative duties, which means the Central Government, which may mean, the Home Minister himself. He will become for all practical purposes, the embodiment of the constitutional authority which remained vested in the State of Punjab and he rules Punjab from Delhi. So far as the law-making power is concerned, that has to be transferred to this House. That was the set-up which was prepared when the Constitution was passed.

Then, I come to article 357.

Shri Rajagopalachari: Why not deal with clause (c) also?

Dr. S. P. Mookerjee: Yes. Clause (c) says:

"make such incidental and consequential provisions as appear to the President to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions in this Constitution relating to any body or authority in the State:

Provided that nothing in this clause shall authorise the President to assume to himself any of the powers vested in or exercisable by a High Court, or to suspend in whole or in part the operation of any provision of this Constitution relating to High Courts."

I am glad the hon. Home Minister asked me to deal with clause (c) also because it gives us a complete picture. Even the President or the Government of India could not supersede the High Courts in the State. The judicial authority will be allowed to function unimpaired. With regard to the rest of the administration in the affected State, the Government of India may issue such directions which may be necessary for the purpose of smooth and efficient administration. That was the complete picture.

Then, we come to article 357 which makes reference only to clause 1 (b) of article 356 and not to any other clause.

Pandit Thakur Das Bhargava: Not to the entire sub-clause (b).

Dr. S. P. Mookerjee: I was coming to that. Not to financial matters. It says:

"Where by a Proclamation issued under clause (1) of article 356, it has been declared that the powers of the legislature of the State shall be exercisable by or under the authority of Parliament, it shall be competent....."

It is not therefore a consequential proposal. It shall be competent, it says. We may or may not adopt the Bill; we may request the Government to reconsider; we may refuse to part with the powers which the Constitution has given to us. There is no question of any mere consequential change being adopted. It says:

"It shall be competent—

(a) for Parliament to confer on the President the power of the Legislature of the State to make

laws, and to authorise the President to delegate, subject to such conditions as he may think fit to impose....

(b) for Parliament, or for the President or other authority in whom such power to make laws is vested under sub-clause (a), to make laws conferring powers and imposing duties, or authorising the conferring of powers, etc."

And lastly:

"(c) for the President to authorise when the House of the People is not in session expenditure from the Consolidated Fund of the State pending the sanction of such expenditure by Parliament."

And so, here Parliament has been given the power by law to delegate only its law-making power to the President and the President may in his turn, delegate this power to somebody else. Even then the power regarding finance still remains vested in Parliament. The President may make certain interim orders, but all these orders will be subject to the ratification of Parliament. In other words, even if this Bill is passed into law, we will still continue, I mean Parliament will still continue to have jurisdiction over the finances of the Punjab. Now, I ask the Home Minister why is he anxious first of all, that Parliament should delegate this power to the President, and secondly, why should the President sub-delegate it to the Governor? The answer which he has tried to give us in the Statement of Objects and Reasons is, if I may say so, very weak. It says that Parliament would not have any time. That is a reflection on this House. We have been called upon to do so many things and why should Government think that Parliament will refuse to exercise its constitutional powers in respect of a matter of such supreme importance where we want to keep democracy alive even though the constitutional functioning of Government may not be possible for the time being? Parliament has not refused to work. And look at it from the practical point of view. How many Bills is it proposed the Punjab should have during the next few months? We are expected to sit here till the end of September or early October. But if there are some urgent laws which have to be passed, some days may be fixed and if it is necessary, I am sure, the House will unanimously agree to sit in the evenings after dinner and deal with the affairs of the Punjab. We do not know how many laws have to be passed. The cat is not out of the bag. We do not know how many laws there are in the Home Minister's bag. Let us know

what your proposals are. If any law has to be enacted after Parliament has adjourned, well, obviously the powers of the President are there to pass Ordinances. That power has not been taken away. So it will not, if I may get the Home Minister's ear now—I do not know whether he caught my last point. He usually keeps one ear for us and another for his friends on the Treasury Benches.

Shri Rajagopalachari: I am sure arguments are generally repeated and so I occasionally take a lapse.

Dr. S. P. Mookerjee: That is a mistake that the Home Minister often makes—a little too much of self-confidence. The point that I was trying to make is this, that Parliament may meet at special sittings and pass the necessary laws, and if it is necessary to have any laws passed later.....

Shri Rajagopalachari: I heard that.

Dr. S. P. Mookerjee: And if it is necessary to have any laws passed after the House has adjourned, the President may do it by means of Ordinances. Where then is the necessity for delegating this power to the President, and worse still, for the President to delegate it to the Governor?

Now, let me argue it from the other side. What will be the practical difficulties which will be created if we adopt the measure as proposed here? So far as I can read article 356, I find there will be a sort of dual responsibility or rather the responsibility will be exercised by three bodies. Under 356(1)(a) the President has to take responsibility for administering the affairs of the Punjab. That he cannot delegate.

Pandit Thakur Das Bhargava: He has delegated it, under 356(1)(c).

Dr. S. P. Mookerjee: But that is incidental and so far as that is concerned, it is a matter for argument. It does not mean that the President can completely delegate his authority under article 356 (1) (a) where it is said that he and only he can assume all the powers of the Governor and of the State Government and discharge them. If such delegation of a wide character is permissible constitutionally, then why should he come separately under article 357? The very fact that in respect of article 356 the Constitution does not contemplate the possibility of entire delegation shows that the jurisdiction of Parliament should be kept alive in some form or other, by vesting the power in the Central Government so far as the executive functions are concerned, and keeping the legislative functions in Parliament. That was the structure. That was the framework, and the only power

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that was given to the President was to act under article 357, only if Parliament so willed it and not otherwise. I do not think complete delegation of powers under 356(1)(c) is permissible. However, I am not pursuing that point. In any case the Central Government's responsibility is there under article 356(1)(a).

Then the Governor will have the responsibility for making laws under the specially delegated authority and again, this Parliament will have the responsibility with regard to finances. This is an utterly unsatisfactory state of affairs. It was not at all contemplated that we would suddenly revive the Governor's rule as under section 93 of the old Act. That was not contemplated by the framers of the Constitution at all. I would therefore request the Home Minister to reconsider the matter. There is no urgent hurry. This Bill need not be passed immediately today. So far as the powers of the Governor and all the other functions are concerned, they have been taken over by the Central Government and from the points of view expressed on the floor of the House, there is general satisfaction that everything is going on smoothly. But we are extremely anxious that there should not be an undue encroachment on the principles of democracy which we have tried to enshrine within the provisions of our Constitution. It is very easy to break the provisions in spirit. It is very easy to create bad precedents, but that may have very dangerous consequences on a later date.

I do not wish to say anything about the other aspects of the matter, because they are not quite relevant at this moment. I agree with the last speaker that the only long-term solution that we can think of is to have elections held as quickly as possible so that the State may be governed according to the provisions of the Constitution.

A lot has been said about the fate of the Punjab and the working of democracy and so on. It will not be fair to say that democracy has failed in the Punjab. We have no right to cast that reflection on the entire people of this province. It may be that the Congress rule has failed. That is undoubtedly so. But that does not mean that democracy has completely failed there. The people must be given a chance to make up their minds as to how they would like to administer their province. This can be done by holding early elections. Meanwhile, we would like, as far as possible, to keep

the control and the jurisdiction of Parliament alive and to exercise it through the machinery which has been laid down in article 356.

For these reasons, I consider that this Bill is entirely unnecessary and I would request the Home Minister to re-examine the whole matter and bring up revised proposals later on.

लाल अर्चित राम : माननीय डिप्टी स्पीकर साहब, मुझे खुशी है कि पंजाब के मामलात में यह जिम्मेदारी हमारे माननीय होम मिनिस्टर साहब पर डाली गई है। पिछला प्रस्ताव भी जो प्रोक्लामेशन (Proclamation) का था उस को ऐप्रूव (approve) करने के लिये भी आप ने ही पेश किया था, आज भी जो बिल लाया जा रहा है वह आप के जिम्मे डाला गया है। आप के मुतालिक जो इज्जत हमारे दिल के अन्दर है वह सब जानते हैं। एक वक्त था जब कि महात्मा गांधी के उत्तरदायित्व का बोझ भी आप के ऊपर डाला गया था। आज जो बिल हाउस के सामने लाया गया है उसे दो हिस्सों में तर्कसीम किया जा सकता है। पहले हिस्से के मुतालिक मैं कुछ नहीं कहना चाहता क्योंकि मैं समझता हूँ कि वह हाई कमाण्ड (High Command) से ताल्लुक रखता है। पंजाब के अन्दर कान्स्टिट्यूशन जो है वह काम नहीं कर सका। इस का ताल्लुक सिर्फ हाई कमाण्ड से था। मैं जाती तौर पर और कांग्रेसमैन (Congress-man) के तौर पर कह सकता हूँ कि मुझे इस से कोई गिला नहीं है क्योंकि मैं समझता हूँ कि पंजाब के अन्दर जो कांग्रेस की ताकत आई वह सिर्फ हाई कमाण्ड की वजह से। उस वक्त जो ऐसेम्बली के मेम्बर बने उन में से बहुत से आदमियों ने इलेक्शन (election) नहीं लड़े। उन्होंने नामिनेशन पेपर (nomination paper) फाइल (file) किया और

कांग्रेस की उस वक्त इज्जत इतनी थी कि वह उस में कामयाब हो गये सिर्फ़ इस लिये कि कांग्रेस ने उन को टिकट दिया था। आज पब्लिक की तरफ से जिम्मेदारी हाई कमाण्ड पर थी क्यों कि उस ने उन मेम्बरो को वहाँ भेजा था। इस वास्ते अगर कोई जवाब देह है तो हाई कमाण्ड है। अगर हाई कमाण्ड ने सही क्रम लिया, या फ़र्ज़ कीजिये शलत भी लिया तो अपनी जिम्मेदारी की वजह से ठीक किया। आज पब्लिक के दिल में यह बात बैठ गई कि जो जिम्मेदारी हाई कमाण्ड ने अपने ऊपर ली थी उस को पूरा किया और हमने उस को लब्यक कहा और कामयाब हुए। आज हाई कमाण्ड ने यह क्रम उठा कर अपना प्रेस्टिज (prestige) कायम कर लिया कि अगर हम टिकट दे रहे हैं तो हम ताक़त का ठीक इस्तेमाल करेंगे और आज इस क्रम को उठा कर उसने अपना वादा पूरा करने का सबूत दे दिया है। जहाँ तक मेरा ख्याल है, मुझे इस के अन्दर कोई एतराज़ नहीं है। मैं तो कहता हूँ कि प्रेस्टिज आफ़ दी हाई कमाण्ड रिमेन्स (Prestige of the High command remains) लेकिन हाई कमाण्ड को भी यह देखना चाहिये कि उस का प्रेस्टिज तो कायम रह गया लेकिन उस के जो लेफ़्टिनेन्ट्स (lieutenants) हैं उन का प्रेस्टिज मिट्टी में तो नहीं मिल जाता है। उस को भी मुनासिब है और उन को भी ख्याल करना चाहिये कि उन का प्रेस्टिज भी मिट्टी में न मिल जाय और उन के अपने काम में मुश्किल न पड़े। इस ख्याल से हाई कमाण्ड ने अपना वादा पूरा किया है मासेज़ (masses) के अन्दर। यह मेरे लिये खुशी की बात है।

लेकिन दूसरी बात यह है कि यह मामला जो हमारे सामने आया है यानी जो बिल है

उस में यह कहा जा रहा है कि इस वक्त जो ताक़त पार्लियामेण्ट की है वह ताक़त भी हम प्रेज़ीडेण्ट को दें दे। मैं इस झगड़े में नहीं पड़ता कि आया उन को हक़ है या नहीं, जैसा अभी मेरे दोस्त श्यामाप्रसाद मुखर्जी ने कहा। लेकिन मैं इस बात की बड़े जोर से मुखालिफ़त करता हूँ, वैसे तो आप मालिक हैं जो चाहें कर सकते हैं, आप ने कान्स्टिट्यूशन बनाया है, मगर मैं इस बिल को अपोज़ (oppose) करता हूँ।

(English translation of the above speech)

Lala Achint Ram (Punjab): Sir, I am happy that our hon. Minister of Home Affairs has been entrusted with this responsibility regarding the Punjab affairs. It was he who had moved the resolution in the House for the approval of the Proclamation and the present Bill has also been made his responsibility. I need hardly emphasize the respect that we have in our hearts for him. There was a time when he was also entrusted with the heavy burden of carrying forward Mahatma Gandhi's heritage. The Bill which has been brought before the House today can be divided in two parts. I do not wish to say anything about the first part because I feel it was a matter that concerned the High Command. That the Constitutional arrangements could not function in Punjab, was the concern of the High Command only. Personally and also as a Congressman I can say that I have absolutely no grudge about it because I feel that whatever strength and popularity Congress holds in Punjab, is all due to the High Command. Most of those persons who became Members of the Punjab Assembly at that time did not contest any election. They only filed their nomination papers and such was the prestige of the Congress at that time that they were returned unopposed simply because they had stood on Congress tickets. So, today the High Command was responsible to the people because it was this body which had sent the members there. Hence the responsibility lies with the High Command. In view of the responsibility it held, the High Command, in taking this right step or, even supposing, a wrong one, has acted in a correct manner. The public today are convinced that the High Command has acquitted itself of the responsibility it took upon itself. We welcomed that and were successful. By taking this step, the High Command has vindicated

[Lala Achint Ram]

cated its prestige and authority that if they give the tickets, they have also the right to see that power is properly used and by this step they have given a proof of their readiness to assert this right. So far as I am concerned, I have certainly no objection to it. I hold that if the prestige of the High Command remains, the prestige of the Congress remains in the country. But the High Command should also see that while they try to uphold their own prestige, nothing is done that might ruin the prestige of their lieutenants. The latter, in their turn, should take care—and it is quite proper for them—that the prestige of the High Command is also not ruined and no obstacle is put in its way. It is with this view that the High Command has honoured its pledge to the people. It is a matter of joy for me.

But then there is this matter which has come before us, namely this Bill which seeks to provide that the powers of the Parliament should be delegated to the President. I do not want to discuss whether, as my hon. friend Dr. Syama Prasad Mookerjee said, they have the right or not, but I certainly oppose the Bill in the strongest terms. No doubt you are masters of the situation and can do whatever you like, for you have made the Constitution, but I would oppose this Bill.

(Lala Achint Ram continued in English.)

They ought not to have placed the Bill before Parliament today but they should have placed it on the 6th or 10th October. You say that Parliament will not have the time and that legislations of all-India importance will be held up. We can work on holidays and Sundays or even late in the evenings and we will not complain about it. So it is not fair to use that argument. It will be condemning Parliament as not being sympathetic towards the Punjab.

Therefore, I would say that you should not pass this measure now. Wait for two months. Supposing this Parliament does not find the time. Then the other course is this. The M.L.As. of Punjab have not ceased to be M.L.As., although they are not drawing allowances. If during these sixty days the Parliament does not find the time, you may summon those 70 members of the Punjab Legislature during this period either in Delhi or Simla. If in Simla the Home Minister may go there and have the legislation passed. You cannot ignore them. They may be corrupt but you cannot say that they are not legislators. You can take their advice for the benefit of the province.

Do not entrust the task to Dr. Gopichand Bhargava or Shri Bhim Sain Sachar. They may be unfit in other directions but they have been very good legislators. They have passed very useful legislations regarding displaced persons and other important matters. Go yourself, have the legislation introduced and get it passed.

It is said that certain Bills of all-India importance may be held up. I happened to read the list of Bills which have been introduced or are going to be introduced: There is the Hindu Code Bill and the Benares Hindu University Bill. Is the Hindu University Bill more important than the Punjab affairs which are of all-India importance? Then there is the Allgarh University Bill and how is it more important than the Punjab legislation? Then there is the Delhi and Ajmer-Merwara Bill and the Delhi Municipal Corporation Bill. Are they more important than the Punjab? Then comes the Delhi Special Police Bill, the Mysore High Court Bill and the Darga Khwaja Saheb Bill. Are these so much important that they must be given precedence over Punjab? If you find time for these how will you justify the argument that Parliament may not find the time for Punjab? Why do you condemn the poor Parliament that they will not get time in sixty days. They will be prepared to work on holidays and Saturdays.

I take this opportunity of humbly and strongly opposing the Bill. It will be unjust to Parliament and unjust to the members of the Punjab Legislature. Although they are not getting their allowances they will be prepared to come without allowance for this purpose. They need not manage affairs or become Ministers. If after giving opportunities to them you cannot get the work done, you come before Parliament after sixty days. If the Punjab legislators could not do it and they are anxious to go to their constituencies to fight the next election, then you will be justified in coming before Parliament. Let us not put ourselves to ridicule before the country and this Parliament.

I had so much regard for the hon. Home Minister that I was surprised and was touched when I found him too anxious to get the Bill passed in two or three minutes. When Pandit Bhargava was speaking he was raising his finger.....

Dr. Deshmukh: That is the habit which every Minister suffers from.

Lala Achint Ram: By one o'clock he wanted the whole thing to be finished....

Mr. Deputy Speaker: Let us not digress upon that matter. The hon. Minister will certainly be anxious to get through his Bill as private Members are about their Bills.

Lala Achint Ram: When I found his finger raised that the Bill should be finished by one o'clock I was surprised. This showed what scanty consideration has the Government for the Punjab affairs. Fortunately, you were kind enough to give us time. I wrote a chit to you to give me five minutes. Through your kindness I had the opportunity to speak. I thank you and the Members of the House. The House should not give away its right of legislating at least for sixty days.

चौधरी रनबीर सिंह: उपाध्यक्ष महोदय, मैं जैसा कि डाक्टर मुकर्जी ने कहा, यह मानता हूँ कि जो पहला प्रस्ताव हम ने पास किया था उस में कहीं भी ऐसा खयाल नहीं था कि हमें जो कानून बनाने की ताकत है वह हम गवर्नर को दे देंगे। पहले आप को मालूम ही है कि जब कि वह प्रस्ताव हाउस (House) के सामने पेश हुआ था तो मैं ने उस का समर्थन किया था। लेकिन वह किस लिये किया था? जो रिफरेन्स (reference) डाक्टर मुकर्जी ने होम मिनिस्टर की तक्ररीर का दिया है उस की वजह से किया था। चूँकि उन्होंने हमें बतलाया था कि सेक्शन ९३, ऐक्ट ३५ और विधान की दफा ३५६ के अन्दर बहुत फर्क है, और मैं ने यह समझ कर उस का समर्थन किया था कि इस से कोई ज्यादा फर्क पड़ने वाला नहीं है अगर पंजाब असेम्बली के मेम्बर पंजाब के लिये कानून बनायें या हिन्दुस्तान की पार्लियामेंट के मेम्बर पंजाब के बारे में कानून बनायें। लेकिन आज जब यह बिल हमारे सामने है तब जो मैं ने पहले समर्थन किया था उस पर मुझे दिल में कुछ कुढ़न होती है, और मैं समझता हूँ जैसा कि मेरे लायक दोस्त सौधी साहब कहते हैं कि शायद मैं ने गलती की है। लेकिन अभी जैसा लाला अचिन्त राम न कहा मुझे खुशी है कि आज हमारे

व्हिप (whip) ने शायद गलती से हमारे लिये कोई व्हिप नहीं भेजा और हमें छुट्टी है कि हम जिस तरह से चाहें अपने खयालयात पेश कर सकते हैं।

मैं यह कहे बगैर नहीं रह सकता कि मैं इस बिल का विरोध करता हूँ, और वह इसलिये कि जैसा कि कल कई दफा बीच में इंटरप्शन (interruption) कर के आनरेबल होम मिनिस्टर साहब ने जाहिर करने की कोशिश की कि यह उस का एफेक्ट (effect) है जो हम ने पहले पास किया था। मैं मानता हूँ कि यह उस का कोई ओब-लीगेशन (obligation) नहीं है या कोई एफेक्ट नहीं है कि हम अपनी कानून बनाने की ताकत गवर्नर को दें या प्रेजिडेंट साहब को एन्ट्रस्ट (entrust) करें। यह हमारी खुशी की बात है कि हम उसे दें या न दें, इसलिये मैं इसका विरोध करता हूँ।

अभी बाबू ठाकुरदास जी ने अपनी तक्ररीर में एक और वजह बताई जिस से मैं मुत्तफिक नहीं हूँ। लेकिन इधर जो बातें बाद में पंजाब में हुई हैं उन को दृष्टि में रखते हुए मुझे पूरा हक है और जिस तरह से पंजाब के गवर्नर ने या उस की मन्त्रीनरी ने पंजाब के अन्दर जिस ढंग से ऐक्ट (act) करने की कोशिश की है उस के बारे में अपने विचार प्रकट कर सकूँ क्योंकि आज हम से कहा जाता है कि हम उन्हें और ताकत दें। मैं ने जैसे पहले जिक्र किया कि उस प्रस्ताव का समर्थन यहां ही नहीं किया बल्कि जब प्रेजिडेंट साहब ने यह प्रोमल्गेशन (promulgation) का हुक्म जारी किया था उस वक्त भी अपनी ऐलेक्टोरेट (electorate) के सामने बिल्कुल खुले तौर पर और दिल खोल कर जस्टिफाई (justify) किया था और समर्थन किया था।

[चाँधरी रनबीर सिंह]

और जिस वक्त कि मैं अपने इलेक्टोरेट के सामने जस्टीफिकेशन (justification) दे रहा था उस वक्त भी मैं ने कहा था कि पंजाब के बहुत से अफसर यह समझते हैं कि उन को निष्कंटक राज्य पंजाब के अन्दर दे दिया गया है। लेकिन उन का यह ह्याल गलत है। आज जो प्रोमलगेशन जारी हुआ है उस का मतलब इस के सिवा और कुछ नहीं है कि पंजाब असेम्बली को मुअत्तिल कर दिया गया और पंजाब असेम्बली के अस्तियारात को छीन कर पार्लियामेंट के मेम्बरों को वह अस्तियारात दिये गये हैं। यह जो प्रोमलगेशन हुआ है और पार्लियामेंट की इस बैठक के बीच गवर्नर की मशीनरी ने जो काम किया है उस में कुछ काम अच्छा भी कहा जा सकता है लेकिन कुछ बातों की मैं निन्दा किये बगैर नहीं रह सकता। एक तो उन्होंने यह कोशिश की है कि वह पब्लिक को खुलेआम ह्याल देने की कोशिश की है कि आटोक्रैसी (autocracy) डिमोक्रेसी (democracy) से बहुत अच्छी चीज है। अगर पंजाब की डिमोक्रेसी में कोई अवगुण आ गये थे तो मैं उन को दूर करना कोई बुरी चीज नहीं समझता, लेकिन मैं बात की निन्दा किये बगैर नहीं रह सकता कि हिन्दुस्तान के अन्दर कोई आदमी इस बात को जाहिर करने की कोशिश करे कि डिमोक्रेसी के मुक़ाबले में आटोक्रैसी अच्छी चीज है। आखिर हिन्दुस्तान के लाखों और करोड़ों रुपये लगा कर जो कांस्टीट्यूशन तैयार किया उस के अन्दर यह माना गया है कि डिमोक्रेसी आटोक्रैसी से अच्छी है। तो अगर कोई आदमी या कोई रैजिम (regime) आज यह कहने की कोशिश करती है कि डिमोक्रेसी से आटोक्रैटिक रूल (autocratic rule) अच्छा है तो मैं समझता हूँ कि वह कांस्टीट्यूशन

की बेइज्जती करता है। इस के समर्थन में मैं आप को दो या तीन मिसालें देना चाहता हूँ। मैं ने अपने जिले के हाकिम से भी कहा था कि मैं यह समझ सकता हूँ कि पंजाब असेम्बली के मेम्बर आज मुअत्तिल हो गये हैं लेकिन आज इस विधान के तहत हमारी रिप्रेजेंटेटिव कैपैसिटी (representative capacity) क़ायम है और किसी ने मेरी रिप्रेजेंटेटिव कैपैसिटी को छीना नहीं है। लेकिन इसके बावजूद भी मैं ने अपने जिले में यह देखा कि पंजाब के कई बड़े बड़े अफसर आये और एक अफसर ने तो कम से कम चार सौ या पांच सौ आदमियों को बुलवाया। कहा जाता है कि उन के एक अजीब पार्लियामेंट के इलेक्शन के लिये खड़े होना चाहते हैं। मैं रोहतक में मौजूद था। मैं यह समझ सकता हूँ कि यह पंजाब कांग्रेस पार्टी का रूल नहीं था और वह एडमिनिस्ट्रेटिव रूल (administrative rule) था। अगर रोहतक जिला की कांग्रेस पार्टी को या पंजाब असेम्बली के मेम्बरों को न बुलाया जाता तो मैं बहुत ज्यादा गिला न करता। लेकिन जिस वक्त प्रेसीडेण्ट साहब का रूल हो या पार्लियामेंट का रूल हो उस वक्त कोई अफसर पार्लियामेंट के मेम्बर के बुलाने की ज़रूरत न समझे मैं इस के खिलाफ़ प्रोटैस्ट (protest) किये बगैर नहीं रह सकता। इस के पहले उन को ऐसा करने में क्षिन्नक़ मालम देती थी। अब तो क़ानून बनाने का अस्तियार भी उन को दिया जा रहा है। यह दो तीन बातें थीं कि जो मैं ने आप के सामने रख दीं। इन के अलावा मैं दो चार और बातें भी आप के सामने रखना चाहता हूँ।

अगर मेरे लायक़ दोस्त ज्ञानी जी पहले प्रस्ताव पर बोले होते तो मैं १६ आने उन का

समर्थन करता लेकिन आज मेरा वैसा ख्याल नहीं है। इस की वजह मैं आनरेबिल होम मिनिस्टर साहब को बतलाना चाहता हूँ। हमारे यहां जैलदारी के सिस्टम को रिवाइज (revise) करने की जिम्मेदारी पंजाब कैबिनेट पर थी लेकिन उन्होंने यह शर्त लगाई थी कि वही जैलदार बनाये जायें जो गवर्नमेण्ट की किसी कांस्ट्रक्टिव एक्टिविटी (constructive activities) में हिस्सा लें। इस प्रथा के टूटने से पहले का हमारा यह तजुर्बा है कि जब एक जैलदार टूटा करता था तो उस की जगह दूसरा जैलदार बनाने में एक साल का वक्त लगता था लेकिन अब गवर्नर साहब का हुकम है कि पंजाब के अन्दर एक महीने के अन्दर सारे जैलदार बना दिये जायें। मुमकिन है कि उन के दिल में यह खदशा हो कि शायद हिन्दुस्तान की पार्लियामेण्ट जैलदारी के रिवाइज करने के खिलाफ कोई प्रस्ताव पास कर दे। इस दिक्कत को दूर करने के लिये उन्होंने इस क्रिम का हुकम दिया। फिर दूसरी बात यह है कि जिस मिनिस्ट्री के कन्वे पर रख कर यह बन्दूक चलाई जा रही है उस के इन्स्पेक्शन (inspection) के बिल्कुल खिलाफ चला जा रहा है। मुझे अपने जिले के हालात का पता है। मेरे जिले में तीन आदमियों को जैलदार बनाया गया है। यह ऐसे आदमी हैं जिन्होंने गवर्नमेण्ट की कांस्ट्रक्टिव एक्टिविटी में रती भर भी हिस्सा नहीं लिया है। बल्कि कुछ ऐसे आदमी भी जैलदार बनाये गये हैं जिन्होंने सन् ४७ के बाद से गवर्नमेण्ट से कोई ताल्लुक ही नहीं रखा। तो क्या मैं होम मिनिस्टर साहब से पूछ सकता हूँ कि जो गवर्नर इस तरह के काम कर रहे हैं उन को हम इस ऐक्ट के जरिये यह अस्तित्वात कैसे दे सकते हैं।

एक और बात है जिस के बारे में मैं

कुछ रेफरेंस (reference) करना चाहता हूँ। वह यह है कि गवर्नर साहब ने यह हुकम जारी किया है कि जिन आदमियों को सन् १९४७ के बाद आर्म्स लाइसेन्स (arms licences) दिये गये हैं उन की पड़ताल की जाय। आप अन्दाजा कर सकते हैं कि सन् ४७ के बाद किस तरह के आदमियों को आर्म्स लाइसेंस मिले होंगे। सन् ४७ के बाद पंजाब में कांग्रेस की हुकूमत थी। उस हुकम में एक चीज यह भी लिखी है कि उन लोगों के पास जायदाद कितनी है इस का भी पता लगाया जाय। कांग्रेस एक जनता की पार्टी थी। ता हो सकता है कि उस के सपोर्टर (supporters) और मदद करने वाले गरीब और मामूली आदमी हों उन के पास शायद जायदाद भी न हो। मेरे पास पंजाब में एक बीघा भी जमीन नहीं है। मेरे जैसे और भी लायक दोस्त हो सकते हैं जिन के पास कोई जायदाद न हो और अब उन के लाइसेंस छीनने की कोशिश की जा रही है। जब कांग्रेस की हुकूमत आई जो कि जनता की हुकूमत थी तो उस ने वेस्टेड इंटेरेस्ट्स (vested interest) की हुकूमत को हटाना चाहा। उस ने सोचा कि वह एक दम वेस्टेड इंटेरेस्ट्स की हुकूमत को नहीं हटा सकती थी लेकिन उस को धीरे धीरे हटाया जाय। इस लिये उस ने उन के हथियारों को तो नहीं छीना, जिन के दम पर वह किसानों पर जुल्म करते थे, लेकिन उन लोगों को भी हथियार दे दिये जिन के पास जायदाद नहीं थी। लेकिन आज जो इंस्पेक्शन दिये गये हैं उन के तहत उन आदमियों के लाइसेंस मुअत्तिल किये जा सकते हैं। उन लोगों को ए०, बी०, सी क्लासेज में रखा जा रहा है। और जब कि उन के सालाना रिन्यू (renew) करने का वक्त आये तो हो सकता है कि उन को मुअत्तिल कर दिया जाय। यह भी एक स्रासी सीरियस (serious)

[बौधरी रनबीर सिंह]

चीज है। यह मैं मानता हूँ कि अहिंसा के अन्दर हथियारों की कोई जगह नहीं है लेकिन इस में भी शक नहीं है कि इन्सान के अन्दर बहुत सारी कमजोरियाँ हैं। यह भी एक कमजोरी है कि वह अहिंसात्मक लड़ऱई नहीं लड़ सकता है। ऐसी हालत में हथियारों से कानफिडेंस (confidence) पैदा होता है। अगर आज उन लोगों से, उन किसानों से, जिन को कांग्रेस हुकूमत ने लाइसेंस दिये हैं लाइसेंस छीने जायेंगे तो क्या इस से आप वेस्टड इंटेरेस्ट वालों के हाथ मजबूत नहीं करेंगे? यह दो तीन मिसालें मैं ने इसलिये आप के सामने पेश कीं कि जिस से मैं आप को यह समझा सकूँ और यह बतला सकूँ कि मेरा क्या जस्टीफिकेशन (justification) था पहले प्रस्ताव को समर्थन करने का और आज क्यों विरोध कर रहा हूँ।

मैं एक और बात कहे बगैर नहीं रह सकता। वह जैसा कि ठाकुर दास जी ने बतलाया वह लैंड एलीनेशन (land alienation) के बारे में। लैंड एलीनेशन ऐक्ट को पंजाब असेम्बली ने रिपील (repeal) नहीं किया लेकिन हमारे डाक्टर अम्बेडकर साहब ने उस को अल्ट्रा वायर्स (ultra vires) करार दे दिया। उस को किसी कोर्ट ने अल्ट्रा वायर्स नहीं ठहराया। और भी बहुत से फायदेमन्द कानून हो सकते हैं जिनको कोर्ट्स ने अल्ट्रा वायर्स करार नहीं दिया।

लेकिन अल्ट्रा वायर्स करार नहीं दिया जब तक कि कोर्ट ने उन को विधान के विरुद्ध करार नहीं दिया। हमारे लैंड एलीनेशन ऐक्ट था उस को डाक्टर अम्बेडकर ने मुर्दा किया जिस के तहत में लाखों गरीब किसान थे, जिन की ज़मीनों को एक्सप्लाइटर्स (ex-

plorers) के हाथ में जाने से रोका जाता था। ऐसी सूरत में क्या मैं आनरेबिल होम मिनिस्टर साहब से पूछ सकता हूँ कि उन के पास क्या जस्टीफिकेशन है कि उन्होंने आज तक उस तरह का संरक्षण पंजाब के किसानों को नहीं दिया जैसे कि बम्बई में बम्बई के एग्रिकल्चरिस्ट (agriculturists) को दिया गया है उस के लिये कांस्टीट्यूशन को अमेंड (amend) करके यहां के किसानों को दिया गया है कि उन की ज़मीन को कोई गैर टिलर (tiller) नहीं खरीद सकता है। तो यह आडिनेन्स के ज़रिये से क्यों नहीं किया गया, मैं यह जानना चाहता हूँ।

यही नहीं, इस के अलावा, जैसे मैं ने पहले कहा था, वह सिक्योरिटी आफ टिन्योर (security of tenure) का सवाल है। जैसा मैं ने उस वक्त भी कहा था कि प्रस्ताव का समर्थन इस लिये करता हूँ कि मुझे आशा है और पंजाब के गरीब लोग यह समझते हैं कि पंजाब असेम्बली के जो मेम्बरान थे वह वेस्टेड इंटेरेस्ट को रिप्रेजेंट करते थे। उन से उन का पिंड छूटा और हिन्दुस्तान की पालियामेण्ट के मेम्बरों को यह हक मिला जिन्होंने बहुत अच्छे कानून बनाये हैं, और उन के लिये विधान को भी तबदील कर दिया है ताकि लैंड सिस्टम (land system) को खत्म किया जा सके लेकिन पंजाब के अन्दर जो आज तक इस तरह कोई क्रदम नहीं उठाया गया तो क्या इस के लिये कोई जस्टीफिकेशन है? इस लिये मैं ऐसा समझता हूँ कि आज अगर हम ने अस्तियारात डेलीगेशन (delegation) के प्रेसीडेण्ट को दिये या फिर प्रेसीडेण्ट ने फर्दर आथोराइज (further authorise) किया तो मैं नहीं समझता कि हमें पूरा हक होगा क्योंकि यह उन तमाम आशाओं के

ऊपर पानी फेरने की कोशिश होगी जिन के लिये कि पंजाब मेम्बर्स के रूल को वहाँ खत्म किया।

मैं एक बात और कहे बगैर नहीं रह सकता। वह यह कि अगर यह मान लिया जाय कि इस बात की मैजोरिटी (majority) हो जाती है और वह बिल ऐक्ट बन जाता है तो अथारिटी (authority) के माने क्या पढ़े जायें, यह भी मैं आप से कहना चाहता हूँ। या अगर इस को कानूनी तरीके से ऐक्ट के अन्दर में रखा जाय तो मैं यह चाहता हूँ कि आन-रेबिल होम मिनिस्टर साहब इस बात का यकीन दिलायें कि जहाँ तक कानून बनाने का ताल्लुक है, पंजाब का जो गवर्नर है वह कोई ऐसा नया कानून न बनाये जब तक कि पार्लियामेंट के मेम्बर्स के साथ मिल कर एडवाइस (advice) न ले ले। और चाहें तो उन की एक इनफारमल एडवाइजरी बाडी (informal advisory body) बना दी जाय। अगर अमेंडमेंट की जाय तो इस तरह से लिख दिया जाय "गवर्नर इन काउंसिल विद मेम्बर्स आफ पार्लियामेंट" (Governor in Council with members of Paliament), तो यह अथारिटी उस के अन्दर इस तरह से लैजिस्लेटिव अथारिटी (legislative authority) वेस्ट (vest) हो क्योंकि इस तरह से कम से कम पार्लियामेंट को इस तरह से तसल्ली या कन्सोलेशन (consolation) हो सकता है।

एक बात जो बीच में सजेस्ट (suggest) की गई उस का मैं विरोध किये बगैर नहीं रह सकता। वह यह कि कानून बनाने के वक्त पंजाब असेम्बली के मेम्बरों को जो अलाउंस लिये बगैर आने के लिये

तय्यार है बुलाया जाय। मैं इस के विरोध में हूँ क्यों कि मैं समझता हूँ कि पंजाब असेम्बली के मेम्बर्स हमारा कान्फिडेंस (confidence) खो बैठे हैं। उन्होंने ने इस ढंग से काम किया है जिस से गरीबों की रक्षा नहीं हुई। तो मैं इस बात के हक में हूँ कि उन्हें कोई इस तरह का अस्तियार भी ऐक्ट को अमेंड करने का न दिया जाय। जैसा ज्ञानी जी ने कहा कि उन की तनख्वाह का बहाल कर दिया जाय मैं इस के भी हक में नहीं हूँ। इस के क्या मानी हैं, हम क्यों तनख्वाह को बहाल करें? क्या हम इस लिये यहाँ बैठे हैं कि किसी को बजीफा दें? अगर एक आदमी मुस्तहक नहीं है, काम नहीं करता है, तो हम क्यों उस को बजीफा दें? क्या सिर्फ इस लिये दें कि वह उन की राय से यहाँ चुन कर आये थे। यह गलत बात है और मेरी समझ में नहीं आती। इस प्रकार निवेदन करते हुए अब मैं समाप्त करता हूँ।

(English translation of the above speech)

Ch. Ranbir Singh: Sir, as Dr. Mookerjee said, I also hold that it was never the intention of the Resolution which we have already passed, that we would delegate our powers of legislation to the Governor. The House is aware that I supported that Resolution when it came up for discussion here. The reason for my doing so can be found in that part of the hon. Home Minister's speech which has been referred to by Dr. Mookerjee. Since he had told us that there was a vast difference between Section 93 of the 1935 Act and Article 356 of the Constitution, I had supported it and felt that it did not make much difference whether the Punjab Assembly or the Parliament of India made laws for Punjab. But today when this Bill is before us, I am rather disgusted at the support I extended on the previous occasion and I feel, as my hon. friend Shri Sondhi says, that I committed a mistake. But I am pleased, as Lala Achint Ram suggests that our whip has perhaps by mistake not sent any whip

[Ch. Ranbir Singh]

to us and we are free to express our views in whatever way we like.

I must say that I oppose this Bill and that is because of the view held by the hon. Minister of Home Affairs when he interrupted several times in the course of the debate yesterday and tried to impress upon the House that it was an effect of the measure that we had already passed. I believe it is not obligatory upon us nor is it an effect of that measure that we should entrust our powers of legislation to the Governor or the President. It is entirely up to us whether we delegate this power to him or not. Hence I oppose the Bill.

Shri Thakur Das has pointed out one more reason with which I do not agree. But taking into consideration the recent happenings in Punjab, I have every right to express my views on the way the Governor or his administrative machinery have tried to act in the Punjab, because we are now being asked to hand over more powers to them. As I said earlier, I had supported the measure not only in this House but at the time of the promulgation of the President's Order also I had supported it whole-heartedly and justified it in clear terms before my electors, and when I was justifying this step before my electors I had told them that most officers of Punjab thought that they had been given absolute power in Punjab. But this was a false notion. The Proclamation now issued only means that the Punjab Assembly has been suspended and the powers of the Assembly have been delegated over to the Members of Parliament. During the interval, between this Proclamation and the present session of Parliament, no doubt, many salutary things have been done by the administrative machinery of the Governor but I cannot help condemning some of their actions. In the first place, they have tried to make the people believe that autocracy is much better than democracy. If certain failings have crept in in the democratic set-up of Punjab, I do not think it is bad to eradicate them, but I must disapprove of any attempt made by any person in India to advocate that autocracy is better than democracy. After all it has been unanimously agreed to in our Constitution, which has been prepared at the cost of millions of rupees, that democracy is better than autocracy. So, if a person or a regime tries to give out that an autocratic rule is better than democracy, I feel that is an insult to the Constitution. I would like to elucidate my point by two or three examples. I told the Officer of

my district also that I could understand that no doubt, the members of Punjab Assembly had been suspended but under the Constitution our representative capacity continued and no body had deprived us of that representative capacity. But inspite of this I found that many senior officers of Punjab came and one of them even called a meeting of at least four to five hundred persons. It is said that one of his relations has a desire to stand in the elections to Parliament. I was present in Rohtak. I can understand that it was not the rule of the Punjab Congress Party and that it was Governor's rule. I would not have complained much had the Congress Party of Rohtak district or the members of the Punjab Assembly not been invited. But when there is the President's rule or the Parliament's rule and an officer does not find it necessary to invite a member of Parliament, I must protest against it. They would have hesitated in doing this a little before. Now, the powers of legislation are also being given to them. These are the few facts which I have placed before you. In addition to these I would like to submit a few points more.

Had my hon. friend Gianiji spoken on the previous measure I would have supported him whole-heartedly but today I do not intend to do so. I would like to point out the reason for it to the hon. Minister of Home Affairs. In our State, the responsibility of reviving the *Zaildari* system was on the Punjab Cabinet, but they had laid down a condition that only those persons should be appointed *Zaildars*, who co-operate with the Government in their constructive activities. We can by our experience say that before this system broke down, if a *Zaildar* was removed, it used to take as long as a year to fill his post but now the Governor's orders are that all posts of *Zaildars* should be filled up within one month. Possibly he might have a doubt in his mind that the Parliament of India might enact a law against the revival of *Zaildari*. He gave these orders to avoid that situation. Then, another thing is that although they have made a scapegoat of the ministry in this respect they are acting in a manner which is quite opposed to their instructions. I am aware of what has happened in my own district. Three men have been appointed *Zaildars* there. They are persons who have not taken the slightest part in the constructive activities of the Government. On the contrary, such persons have been made *Zaildars* who had absolutely no connection with the Government after 1947. May I then ask the hon.

Minister of Home Affairs how can we give these powers through this Act to the Governor who has been responsible for these actions?

There is yet another point to which I would like to make a reference. It is that the Governor has issued orders for enquiries to be made about all such persons who were granted arms licences after 1947. You can very well imagine what type of persons would have been given arms licences after 1947. According to that order it is also required to find out the amount of property possessed by those persons. Congress is a people's party and hence it is not improbable that its supporters and followers come from the poor and middle classes. They might not be having any property. I myself have not got a single *bigha* of land in Punjab and there might be many more hon. friends of mine who have no property and from them efforts are being made to take away the licences. When Congress had formed the Government, which was the people's Government, it had tried to do away with the rule of the vested interests. It thought it could not do it outright but it decided to do it gradually. Therefore it did not snatch away the arms of those persons who, on the strength of those arms, used to oppress the cultivators but, on the other hand, provided arms to all those who had no property. But, now, under the instructions issued by the administration, the licences of such persons can be withdrawn. These persons are being divided into A, B and C classes and when the time comes for the yearly renewal of the licences, the renewal may be refused in their cases. This is also a pretty serious matter. I certainly admit that arms do not fit in with our creed of non-violence but at the same time it must be admitted that man has many weaknesses in himself. One such weakness is that he cannot fight non-violently. Under such conditions, only arms can infuse confidence. If those persons and those tenants, who were given licences by the Congress Government, are deprived of them, will it not mean strengthening the hands of the vested interests? These few instances which I put before you are meant to explain why I was justified in supporting the previous measure and why I am opposing the present one.

11-45 A.M.

I must say one thing more. It is, as Shri Thakur Dasji has also said, about land alienation. The Land Alienation Act was not repealed by the Punjab Assembly but Dr. Ambedkar declared it *ultra vires*. It was not held *ultra*

vires by any court. There are many such acts that have not been declared *ultra vires* by the courts. Even in the case of those acts which have been held *ultra vires*, it can be said that they are such as were found by the courts to be inconsistent with the Constitution. The Land Alienation Act under which the lands belonging to lakhs of poor peasants were prevented from passing into the hands of the exploiters was nullified by Dr. Ambedkar. Under these circumstances, may I ask the hon. Minister of Home Affairs what justification has he for not affording the same protection, so far to the cultivators of Punjab, that was being given to the agriculturists in Bombay. This protection was given to them after the amendment of the Constitution so that no non-tiller can purchase their lands. I want to know why this thing was not done through an Ordinance?

Not only that, for, as I said, there is the question of security of tenure. I said on the previous occasion that I supported the measure because I thought and the poor people of Punjab thought that Members of Punjab Assembly represented the vested interests. They got rid of them and the powers have now been given to Parliament of India which has a number of beneficial laws to its credit and which has amended the Constitution as well so that the exploitation implied in the land system may be put an end to. But may I ask if there is any justification for not taking any step in this direction in Punjab? Therefore I feel if we entrust the powers of delegation to the President or if the President is given the power to further authorise someone else, I do not think we would be having our complete rights because it would mean an attempt to shatter those hopes of ours with which the rule of Punjab Assembly members was brought to an end.

There is another thing to which I must make a reference. I would like to tell you how should "authority" be interpreted, if suppose a majority of the members vote for the Bill and it becomes an Act, and if it is not legally incorporated in the Act, then I would like the hon. Minister of Home Affairs to assure us that so far as the making of laws is concerned, the Governor of Punjab would not make any new law without previously taking the advice of Members of Parliament, and if he so desires, an informal advisory body consisting of these members may be formed. If an amendment is made, it can be done by laying down "Governor in Council with Members of Parliament". So this legislative authority should be vested in him in this

[Ch. Ranbir Singh]

manner because then Parliament can have at least that much consolation.

Then, I must oppose one thing that was suggested during the debate. It is that at the time of law-making, the members of Punjab Assembly who are prepared to come without taking any allowances, should be invited. I am against such a suggestion because I think the members of Punjab Assembly have lost our confidence. They have acted in a manner which has not resulted in the protection of the poor. So I am of the view that they should not even be given the right to amend the act. I also do not favour the idea that their pay and allowances should be continued, as has been suggested by Gianiji. This has no meaning. Why should that be done after all? Are we here to grant stipends? If a man has not the right, if he does not do any work, why should we give him any stipend? Is it just because we were elected to Parliament by them? This is wrong and I cannot understand it. That is all I have to submit.

Sardar Hukam Singh: I feel the scope of this Bill is very restricted. I had wholeheartedly supported the resolution placed before the House the other day by the hon. the Home Minister and I had made certain observations that the Proclamation had received very good response from the masses in the Punjab. I had gone further and said that it was right that those who had defaulted, who were corrupt and who were responsible for such maladministration should be proceeded against suitably and punished. I had gone to that extent because I thought the fate of my province, Punjab, had been brought down to the level of those unhappy people living in Part C States, if not lower than that. Not even that, it is something more than that which is specified in the Constitution.

I am constrained to oppose this Bill as at present conceived. I do not agree that it is a consequential measure to the resolution we adopted approving the Proclamation. The President has assumed on himself the powers of the Legislature; they are now vested in Parliament and Parliament can perform those functions all right. The only reason given in support of this Bill is that Parliament could not find time to devote to such legislation, because there would be at its hands Central laws which would require prior consideration.

If we just look into the past history of the Punjab Legislature, I assure you that during the last three years,

there have been two sessions in a year of that Legislature. One was the Budget session and the other was the winter session. The Budget session is over and the most important business that they had to do has been transacted. There might be some measures pending consideration. But at the most, if that Legislature had been alive, they would have spent not more than ten or fifteen days on the winter session. There is not one year in which they had to sit for more than a fortnight for their winter session. I assure you, Sir, that if Parliament were to take up that work—and we need take up only legislative business and not resolutions and other things, as pointed out by Pandit Thakur Das Bhargava—we will finish that within a shorter period. Though we are in the dark as to the amount of legislative work before the Punjab Legislature, I am sure this Parliament will be able to finish that work within four or five days.

My hon. friend Sardar Man observed yesterday—as I could make out from the version of his speech reported in the Press—that he would prefer the benevolence of one man than the tyranny of the majority. That set me thinking. Today my hon. friend Giani Gurmukh Singh Musafir made particular reference to me and said that if this legislative business was left to Parliament, *tarap uthaa aur kahega ki uske sath insaf nahin ho raha hai*. But I assure him whether *insaf* is done to him or not, I would prefer this democratic system and leave this legislation to Parliament, even if it were to harm me personally. I would raise my voice if there is an opportunity I thought over it again and again, but I found that democracy was not suspended then. But now it is being completely abolished in the Punjab.

When my hon. friend Mr. Naziruddin Ahmed out a query to the hon. the Home Minister what difference there was between the old section 93 of the Government of India Act and article 356 of the Constitution. The House got the reply that even after the application of article 356 there was the representative authority of the Central Cabinet and the Parliament who would deal with all these questions. But I now find that the distinction that was drawn between the old section 93 and the present article 356 is being eliminated absolutely and we are being driven to that old autocracy that was envisaged in section 93.

As I have already said, I strongly oppose this measure. The Ministers may have been guilty of omission or commission and the Central Parliamentary Board and the Central Cabinet were right in suspending the Constitution. Surely they were to be punished.

Shri Sondhi: Is the hon. Member sure that the Cabinet passed any resolution before they promulgated the Proclamation?

Sardar Hukam Singh: I am not particular about that; that may be within the particular knowledge of my hon. friend Mr. Sondhi. What I am trying to bring out is that the Ministers have been punished. I do not mind—in fact I am happy over it. The Members as well might be penalised. I have no grouse against that. But why should the masses be penalised? Why should they be punished; why should they be deprived of their right? I suggested the other day that if there was misapprehension that such things would happen again, then elections in the Punjab may be held earlier so that the real representatives of the people can be returned who would command the confidence of the masses. Himachal Pradesh is having its elections very soon. Punjab can also have its elections along with that State. But why should people be punished for no fault of theirs? There is no reason why democracy should be effaced from Punjab and why this Bill should be passed. The Proclamation has given authority to Parliament to pass laws so far as the Punjab is concerned, and as I have already pointed out the time that would be taken for that would be very short.

In these circumstances I oppose this Bill as strongly as I supported the Proclamation the other day.

[SHRIMATI DURGABAI in the Chair]

12 NOON

Shri R. K. Chaudhuri (Assam): The matter which is before us this morning is not one which affects the interests of the Punjab alone. It is, or rather the spirit behind it, if I may say so, is a menace to the rest of India as well. I congratulate my hon. friend Mr. Kamath because he set the ball rolling. He is one who does not belong to the Punjab and still he has evinced a keen interest in this affair.

Shri Kamath: I am not provincial-minded; I belong to the whole of India.

Shri R. K. Chaudhuri: And whether it is the Punjab or remote Assam Mr. Kamath, I must say—it is bad to praise a man in his presence—has always stood as the champion of the oppressed and in doing so has trod on

the corns of his best interests sometimes. Nevertheless, he is not tired and whether it is a question of the Assam boundary or the earthquake of Assam or anything he is always alert.

As I was saying, we should not treat this as a matter merely affecting the Punjab. We must not behave as the villagers do sometimes, that is, when their cattle is killed by a tiger the man whose cattle is killed first is the only person who bemoans the loss and the rest sympathise with him saying "What is the use of worrying about it? It is the will of Providence". When the next man's cattle is killed, again the villagers come and say "Do not worry, it is the wish of God, therefore we have not to trouble much about it". But when a large number of villagers are affected, it is only then that they take up their clubs or any weapons they can and go to kill the tiger. We must not wait for that stage. So long as this spirit is there, so long as the doughty champions of a particular community or cause get the ear of the people in High Command and can get things done, as they wish, so long as that spirit is alive, there is no safety for India.

Shri Sondhi: Who is the tiger here?

Sitri R. K. Chaudhuri: I consider that in this matter we have out-heroded Herod himself. We had the instance of the application of section 93 in the days of the British. In 1939 when the Congress party refused to work the Constitution, the Constitution was suspended. When war was declared, even though in some parts of the country, as for instance in Assam, there was a majority to carry on the Constitution, the Government of India did not wish to have the Constitution going on because they thought that the war effort would not be given sufficient importance. That is the reason why section 93 was made applicable. I would ask now why the successor of that section has been utilised in this connection? Is it because the majority party did not wish to work the Constitution? Is it because the majority party wanted to do something which the Constitution did not permit? Is it because of that that you have suspended the Constitution? What is the reason? Is it because the Ministry became unsteady and therefore it had to be superseded? I would like to remind the House that even if the last Ministry was unsteady, another could be formed and that the authorities should not have on that ground suspended the Constitution. Take for instance the case of France. Ministries after Ministries have been formed there. Ministries have been changing almost every month in France. Did

[Shri R. K. Chaudhuri]

anybody think of suspending the Constitution for that reason? In the absence of any particular reason to come to the conclusion that the Constitution is not workable on account of the circumstances prevailing in the Punjab, I submit that we should not by passing this legislation lay a permanent seal to the supersession of the Constitution in that province.

When we passed the resolution unanimously—the resolution out of which this Bill has come—we had very high hopes that the mover of that resolution and the Mover of this Bill, who is a genius himself, would find out means whereby the deadlock could be brought to an end and that it would not be necessary to have a legislation of this kind which disfigures the statute book of the country. I still submit that means should be found whereby it will not be necessary to carry on further with this piece of legislation. Either we should at once decide to have the election as quickly as possible in the Punjab or we should allow the Constitution to work and give these people another chance. Now they have learnt a lesson. They did not believe that our democratic President and our democratic Government will go to the length of suspending the Constitution permanently, so to say—by ‘permanently’ I mean till the next election comes. And this has been a threat, an eye-opener to them. I appeal to the hon. the Home Minister that he may please give another chance to them and let the Constitution be allowed to work. Let a Ministry be formed, by whomsoever it is. Let us see if even after this lesson and this suspension of the Constitution, even after this practical way in which the Government has moved, they persist in the old way of breaking each other's head and bringing discredit and disgrace to themselves. I would humbly beseech the Home Minister to use his usual discretion and genius in matters like this, to solve the deadlock and to allow the Ministry to work.

After all it is a matter of two or three months and then you can have the new election. I should have suggested the holding of election there immediately. But that would put some party at a disadvantage. Therefore I do not want to do that. But in all seriousness and with all the emphasis at my command I would ask the Home Minister to withdraw or delay this measure and examine whether it is not possible to release the Constitution at once. Withdraw the order passed under the Proclamation and allow a

Ministry to be formed and see how it works during the next three months or so.

Shri D. D. Pant (Uttar Pradesh): I stand here to support this Bill with all the force that I can command. I acclaim it as one of the wisest acts of the Congress Government. I have heard the speeches and I find that some of the Members from Punjab are opposed to it. Their main opposition is summed up in the fact that they say that the Bill will destroy democracy in Punjab. This, I think, is due to their wrong and strange opinion about democracy. I think that suspending the democratic Government in Punjab for some time is a democratic act. It is like putting the leg of a child who has fractured it in plaster of Paris and as soon as the leg is healed, the plaster of Paris will be removed. It is a wrong idea of democracy that it is something mechanical. This is not the sort of democracy that we want to work in this country. The effect of this Bill is to create conditions for a living democracy in the Punjab. It is not that you can impose democracy on a people. It has to be created and unless a people are ready for it and unless there is perfect political health again, I do not think that democracy can work in Punjab. Democracy cannot be simply imposed. Conditions for it will have to be created. (*Interruption*). I am dealing with various aspects of democracy. They say that Russia is a democracy. I agree, but the circumstances were such that the people were under the rule of the Czars for several hundred years and could not work democracy at once. No Constitution was given to them for 20 years and during that period the Communist party which is a democratic party exercised its dictatorship. Here in this country, I believe, due to the slavery of 150 years we have not yet been able to create a democratic mind in some States. The principle of democracy is based on the fact that no one is wholly right and no one is wholly wrong. We have to ascertain, pool together and enforce the collective wisdom of a people in a democracy but instead of collecting our wisdom, we are collecting our folly and when everybody thinks of his own special interest, it becomes impossible for any democracy to function in this world. This is the reason that such conditions arose in Punjab. The people who were working the democracy there instead of collecting their wisdom, started collecting their follies and they carried on the administration of Punjab in that way, with the result that they had rank nepotism and corruption and the

people had almost become helpless. Government had become impossible. If we mean business the Government of the President must be carried on somehow and to do so in an efficient manner there is no other alternative but to delegate powers to the administrator. If a municipality is not able to carry on, do the States not appoint administrators in those municipalities, and are the powers of the Committee which stands suspended not delegated by the State Government to the administrator? It is a democratic act, and not intended to kill democracy in that city. I think therefore that the Government has been very wise to take this democratic action and put the fractured leg of the child in plaster of Paris for some time and after it is healed, the plaster of Paris would be removed. The hands of Parliament being full, the only practical way is to delegate the powers. I quite understand the feeling.....

Ch. Ranbir Singh (Punjab): May I point out that the whole speech is irrelevant. Now we are discussing the delegation of powers by Parliament to the Governor and not the Proclamation Order.

Shri D. D. Pant: If my hon. friend had understood my speech, his State would not have been in this condition. I am afraid he has failed to understand what I am saying. I believe that Parliament is fully justified in conferring these powers on the administrator.

I have listened to the speech of hon. Dr. Mookerjee. He is a friend of mine and I have great respect for him. Unfortunately he addresses Parliament either like Mark Anthony as if it is a mob or like a lawyer before a court of law. He has argued his case today like a lawyer, before a court of law. Parliament is neither a mob nor a law court. It is a law-making body. Therefore, I submit that the arguments advanced by him do not apply to this case at all. As Sardar Hukam Singh pointed out the people of Punjab were very happy that this thing had been done. I therefore say that whatever the President has done and whatever Parliament is doing is perfectly right.

Dr. Deshmukh: I do not propose to make a very long speech but there are certain considerations which have not been advocated so far by any hon. Member of this House and those alone I wish to place before the House. I had, as you might remember, Madam, spoken on the original resolution and I had expressed the hope that the present situation will not be perpetuated over a very long time and that every effort will be made to give the people of

Punjab a representative Government. So far as this Bill is concerned, I am in agreement with the hon. Home Minister as far as its form is concerned and I think that all that he is seeking to do is more or less a logical act which follows from the Proclamation and the resolution upholding the Proclamation that was adopted by the House. All that he seeks to do is to embody in a Bill the powers which were more or less decided by this House to be conferred on the President by that resolution. The quarrel is whether there should be a further delegation from the President to the Governor.

Another question that arises—and that is really a very serious question—is to what extent the withdrawal of the powers of the State Legislature would be taken advantage of by the President through the Governor or by the President himself and to what extent this power to legislate would be utilized by them. That is certainly a question which this House ought to consider before acting under section 357. As has been pointed out by my hon. friend, Dr. Mookerjee the powers conferrable under article 357 are optional and enabling and not obligatory. It is not necessary that article 357 must be fully acted upon because the wording is: "it is competent for Parliament" to do so and so. The article bestows competence on Parliament but does not make it incumbent upon Parliament to do so. Whether Parliament would act in a particular manner and resort to article 357 is a matter which ought to be discussed in this House, before we approve the Bill and I think that the whole debate is really relevant from this point of view, namely as to how far under the present circumstances, it is wise to delegate the powers of Parliament to the President in the first instance and then through the President to the Governor. All this discussion about sections and articles, I do not think is very necessary. I would much rather put my emphasis on the actual situation and so far as this is concerned, since the hon. Home Minister had no chance to speak as yet, we are yet to know as to what exactly is the idea of the Central Government especially in delegating the powers to the President and through the President to the Governor. We are yet to know whether so far as possible they want to maintain the *status quo*, or whether there are any Bills which are of such an important nature or of an urgent nature as would require their immediate enactment by the President or the Governor, or whether there are any other circumstances so far as the administration of Punjab is

[Dr. Deshmukh]

concerned, or whether a radical change is necessary or is being contemplated either by the Governor or the Central Government on the basis of the advice given by the Central Government or the Governor. Those I feel are the more important and relevant considerations which ought to guide this House and not merely a question whether we have destroyed democracy or not and if so how far. After all the concern of all of us should be the interest of the people of the Punjab as a whole and not that of a particular Ministry or even the State Legislature as a whole.

I do not think that after having passed the resolution, it is correct to debate the desirability or otherwise of what has already been done. The question is how far after having passed the resolution, we are going to resort to article 357 and confer powers and after conferring powers what are the particular administrative or legislative measures which the Government is going to resort to. The question whether this Bill deserves to be supported or opposed could be properly considered in that context only.

Ch. Ranbir Singh has told us that the present administration is trying to change the very tone of the administration and is directed to upset many things that obtain there at the moment. He pointed out one thing, that is so far as the appointment of *zaildars* is concerned the previous Ministry was acting according to one particular policy and now that policy is being completely reversed and that these appointments are being made on considerations totally different from those decided upon by the previous Ministry. Then, there was reference also to a few very urgent measures. My hon. friend Giani G. S. Musafir referred to irrigation rates. There was also reference to protection of tenants. Before we really make up our minds, we would like to know from the hon. the Home Minister whether he intends to give effect to the demands of the people on the one hand or to do away with all the bad results of any acts which the previous Ministry performed or carry out reforms which it refused to initiate. Really speaking, according to me, without taking any sides or going too deeply into the matter—because I think that chapter is closed and all questions about the desirability or otherwise of democracy being maintained, ended or mended, have, in my opinion, been silenced by the fact that the House has accepted the resolution—the House has deprived the Legislature of the Punjab as well

as the Ministry of all their powers. Whether those powers should now be vested in Parliament or the President is the only question which can be debated. Apart from that, I would much rather that the House confined its attention to the actual acts which Government wishes to perform. I would be in favour of Parliament exercising the powers; but I would support the Bill if the Government's intention is merely to carry on the administration, and if the Government will also pursue my advice to see that as early as possible, some sort of a representative advisory board or something else of that nature is constituted and individual rule is terminated at an early date. That is my approach to the question.

This, of course, would be a popular idea and I am sure it would appeal to every Member of Parliament that as far as possible, the legislative power should vest in Parliament and should not be conceded to any particular individual, whether it is the President advised by the Central Government or the Governor. But, I would rather discuss this issue on the ground whether the Central Government is going, as a result of this taking away of the legislative and administrative powers of the Punjab Ministry and the Government, to merely carry on until the new Ministry takes office or whether they want to rectify any mistakes or whether they want to bring in any reforms so far as these questions of irrigation rates or protection of tenants etc. are concerned. I for one, who have always advocated the cause of tenantry and the agriculturists, would be glad if the Governor could do what the previous Ministry was not prepared to do for helping the agriculturists. But, we should know before we support this Bill, what particular policy Government propose to follow; whether it is their intention to rectify and clean up the administration root and branch and bring about efficiency, which according to them was wanting, or whether they want to improve the tenor and tone of the administration or whether they merely wish to carry on till such time as the representatives of the people take charge of the administration and act according to the wishes of the people. If it is the intention of Government to make radical changes, then, I for one would like that this should not be resorted to without the consent and approval of Parliament. Because, after all, one man's advice and rule, however good, can be no substitute for elected representatives, at any rate so long as

our decision to work and act democratically is in tact.

There is one provision which is still more objectionable. It has been stated in article 357 that the President may authorise, when the House of the People is not in Session, expenditure from the Consolidated Fund of the State pending the sanction of such expenditure by Parliament. If I read clause 4 of the proposed Bill correctly, I think it is provided therein that even if Parliament is in session, the powers may be exercised by the President and even the Governor. That is certainly going too far. It would be advisable therefore that if this Bill must be passed, the Government must give us an assurance that they do not propose to change the *status quo* and that they will continue to make efforts to bring a representative Government into existence as early as possible by all possible means in their power. I think if this clause 4 is altered suitably, which is perhaps a point of principle, there would not be much objection to support the Bill. If the Government is going to undertake big and contentious Bills, if they are going to change many things that exist at the present moment, I submit that it should not be done without the specific sanction and approval of Parliament. All these Bills ought to be placed before Parliament before they are made applicable and brought into force. So far as I am concerned, it is possible for the Government to do this even after this Bill is passed. Although it is competent for this House to delegate the powers to the President, or the Governor, it does not prohibit the hon. Home Minister from coming to this House and getting any important decisions debated by Parliament in spite of the passing of this Bill. If these two assurances are available, I for one would not mind if the Bill is passed.

प्रो० यशवन्त राय : माननीया सभानेत्री जी, मैं इस बिल को सपोर्ट (support) करने के लिये खड़ा हुआ हूँ। मैं समझता हूँ कि यह जो स्टेप (step) सेंट्रल गवर्नमेंट ने लिया है वह पंजाब की भलाई के लिये ही लिया है क्योंकि पहिले जो गवर्नमेंट थी जिस के मुताल्लिक यह कहा जाता है कि वह डिमाक्रेटिक गवर्नमेंट थी उस की बातें या उस के वक्त में पंजाब में क्या होता रहा है अगर मैं बयान करूँ तो आप को यह पता लग जायेगा कि जो गवर्नमेंट

वहाँ पहिले थी वह डिमाक्रेटिक (democratic) गवर्नमेंट थी या नहीं। वास्तव में वहाँ कोई डिमाक्रेसी नहीं थी। इसलिये यह जो स्टेप लिया गया है कि वहाँ पर प्रेसीडेंट का रूल (rule) कर दिया है, या गवर्नर वहाँ प्रेसीडेंट के वास्ते रूल करते हैं मैं समझता हूँ कि वह बड़ा अच्छा स्टेप लिया गया और उस से जो डिमाक्रेसी खतरे में थी वह बच गई है। मैं तो यह ब्याल करता हूँ कि पहिले जो गवर्नमेंट वहाँ थी उस में कोई ला ऐंड आर्डर (law and order) नहीं था। हाउस को याद होगा कि ८ मार्च को इस हाउस के अन्दर में ने एक ऐडजर्नमेंट मोशन (adjournment motion) रखा था और उस वक्त मैं ने बताया था कि वहाँ कोई ला ऐंड आर्डर नहीं है। बल्कि वहाँ से लोगों के तार आये कि उन की प्रापर्टी (property) उन की जानें और उन की जो स्त्रियाँ हैं उन की इज्जत महफूज नहीं है। लिहाजा जब पच्चीस मार्च को बाबू जगजीवन राम आनरेबल लेबर मिनिस्टर भारत सरकार जालंधर जाते हैं तो वहाँ दो सी के करीब हरिजन कार्यकर्ता इकट्ठे होते हैं और वह अपनी दुःख और दर्दभरी दास्तान सुनाते हैं कि इस मिनिस्ट्री के अन्दर हमारे साथ क्या हो रहा है। उस कैबिनेट (Cabinet) के एक मिनिस्टर श्री पृथ्वी सिंह आजाद भी वहाँ मौजूद थे, वह फूट फूट कर रोते हैं और बाबू जगजीवन राम भी यह देख कर और सुन कर रोते हैं और वह मिनिस्टर डिमाण्ड (demand) करत हैं कि हरिजनों को पंजाब से बाहर ले जाओ क्योंकि वहाँ वह सेफ (safe) नहीं हैं। यह हालत थी उस मिनिस्ट्री की जिस को आप डिमाक्रेटिक मिनिस्ट्री कहते हैं। इस वक्त जब मैं ने पंजाब का टूर (tour) किया

[श्री० यशवन्त राय]

तो देखा कि वहां की हालत बहुत अच्छी है, लोग बिल्कुल सैटिस्फाइड (satisfied) हैं और खास कर के जो हमारी हरिजन जनता है वह बहुत सैटिस्फाइड है। पहिले जिस वक्त गरीब, हरिजन लोग अपनी शिकायत ले कर पुलिस के पास जाते थे तो पुलिस कुछ नहीं सुनती थी। अब गवर्नर ने उन के कान खींच दिये हैं और वहां पूरी सुनवाई होती है, उन की दिक्कतें खत्म हो गई हैं। जब कैबिनेट के मिनिस्टर अपने हों और हम प्रार्थना उन के पास ले जायें, और वह हमारे लिये कुछ न कर सकें तो क्या जस्टिफिकेशन (justification) है कि गवर्नमेंट वहां रहे। इस के अलावा चौधरी रनबीर सिंह ने कहा कि जो आर्म्स लाइसेंस (arms licence) वहां लोगों को मिले थे उन को गवर्नर मंसूख कर रहे हैं। मैं तो कहता हूँ कि यह बड़ा वाइज (wise) स्टेप है, क्योंकि गांवों के अन्दर ओ लाइसेंस दिलाये गये हैं वह उन लोगों को दिलाये गये हैं जो कि अक्सर गुडे हैं, उन को किसी न किसी तरह से बहाना कर के लाइसेंस दिये गये हैं। वह देहातों में जा कर गरीब लोगों को तंग करते हैं, और कई गांवों में तो ऐसी लड़ाइयां हुईं कि जिन का बयान करना मुश्किल है। हरियाना प्रान्त में नादरी के गांव में हरिजनों के साथ लड़ाई हुई, उन के साथ ऐसी सलूक हुआ जैसा हिन्दुओं के साथ पाकिस्तान में और मुसलमानों के साथ हिन्दुस्तान में। जवान लड़कियों की छातियों में नेत्रे घुसा दिये गये। मैं तो इस स्टेप को बहुत ज्यादा वेलकम (welcome) करता हूँ। कुछ सदस्यों ने कहा कि वहां गवर्नर ने ज़ैलदारी रायब कर दी है यह गलत है, उन को पता नहीं है। ज़ैलदारी तो पिछली गवर्नमेंट पास कर के गई है। काम संभालते ही

गवर्नर ने ऐलान किया था कि पिछली गवर्नमेंट की जो चन्द स्कीमें हैं उन को हम आगे ले जायेंगे और उन को बन्द नहीं करेंगे। इसलिये यह बात सरासर गलत है।

दूसरी बात यह कही गई है कि डाक्टर अम्बेडकर ने कानून इन्तकाल आराजी मंसूख करवा दिया। मैं ने हाउस के अन्दर उस दिन भी कहा था कि बीस लाख हरिजनों की जो तकलीफें हैं वह इसी कानून की वजह से हैं जो हमारा विधान कान्स्टिट्यूशन है उस की दफा १९ का F. जुज है उस से कानून इन्तकाल आराजी को मंसूख किया है। यह दफा रहते हुए ऐसा बेहूदा कानून नहीं रह सकता था। लोग जानते हैं कि हरिजन लोग जिन के पास रुपये बहुत थोड़े होते हैं वह इस कानून के रहते हुए घरों के लिये भी जमीन नहीं ले सकते थे। बल्कि उन को घरों से बाहर जाने की इजाजत नहीं थी। सेंसस (census) में भी वह घरों के बाहर नहीं जा सके, खेतों में नहीं जा सके अपना निर्वाह न कर सके। चैन से न रह सके। यह सारी की सारी चीजें इसी गवर्नमेंट के अन्दर होती रहीं। मैं उस वक्त दौड़ता रहा। उस गवर्नमेंट के जो बजीर थे उन को वहां पर बराबर रिपोर्ट देता रहा। लेकिन सुनवाई नहीं हुई। पंडित जी के पास रिपोर्ट दी, राजा जी के पास रिपोर्ट दी, गोपालास्वामी के पास रिपोर्ट दी, जगजीवन राम जी के पास रिपोर्ट दी कि वहां जो हुकूमत है वह ऐसी हुकूमत है जो हरिजनों की हिफाजत नहीं कर सकती, और उन के पास रो रो कर बयान किया कि क्या हम पंजाब से बाहर चले जायें। ऐसी हालत के अन्दर अगर वहां की गवर्नमेंट इन्तजाम करने के काबिल नहीं थी तो उस के वहां रहने का कोई जस्टिफिकेशन

नहीं था। इस के साथ मैं यह जरूर कहना चाहता हूँ कि गवर्नर साहब जो स्टेप वहाँ ले रहे हैं उस से जनता बहुत सटसफाइड है, ९५ फीसदी लोग सैट्सफाइड हैं। मैं बहुत से डी० सी० (D. C.) और तहसीलदारों से मिल कर आया हूँ और उन का ध्यान हरिजनों की तरफ काफी है और वह गरीबों की बातों को सुनते हैं, वह उन की हर चीज मानने के लिये तैयार हैं। पहले लोग यह समझते थे कि डिमांडेसी आई है। हर एक आदमी समझता था कि हमारा अपना राज्य है, हमारा चचा वजीर है, या हमारा मामा वजीर है, वहाँ सिफारिश पहुंच जायगी। इस तरह से गरीबों के साथ जुल्म हो रहा था। और (Charity begins at home) वज्रों का असूल था। लेकिन गवर्नर बड़ा कड़ा ऐक्शन लेते हैं। वह सब की बातें सुनते हैं और वहाँ की सारी बातें इस ढंग से होनी हैं कि लोग बहुत खुश हैं। मभावानी महोदया, मैं यह अर्ज कर दूँ कि गवर्नर साहब भी छोटे छोटे जो आफिसर्स (officers) हैं या जो ब्लॉक मार्केटर्स हैं उन की तरफ भी ध्यान देते हैं। लेकिन बड़े बड़े आदमी जिन की वजह से वहाँ कर्प्शन (corruption) फैला और जिन में मिनिस्टर भी शामिल हैं जिन की हाई कमान्ड (High Command) के पास शिकायतें आई हुई हैं, जिन के मुताल्लिक सिरिअस चार्जें (serious charges) हैं उन को (spare) कर रहे हैं। मैं चाहता हूँ कि पंजाब में ऐसा गवर्नर आप भेजिये जो इन से ज्यादा सख्त हो। ताकि मिनिस्ट्रों को भी काबू कर सके जिन की वजह से मिनिस्ट्री बदनाम हुई। पंजाब ने महान व्यक्तियों को पैदा किया और वहाँ पर खराबी फैली चन्द मिनिस्ट्रों के शर्मनाक कामों से, जिन्होंने वहाँ मन मानी करना शुरू कर दी।

वह पंजाबियों के लिये कितने दुःख और शर्म की बात है। गरीबों को सताया गया। रिस्तेदारों को नाजायज परमिट और लाइसेंस दिये गये। और इस तरह की खराबियाँ फैलाई जिस से वह खुद ही बदनाम हो गये। वहाँ कांग्रेसी मिनिस्ट्रों के अन्दर ही आपस में डिवीजन था, लेकिन मुझे इस का बहुत ज्यादा इल्म नहीं। मैं तो सिर्फ यह कहना चाहता हूँ कि वहाँ ला एंड आर्डर कोई नहीं था। मैं ने हाउस के अन्दर पहिले भी एक दफा कहा था तो होम मिनिस्टर साहब ने विश्वास दिलाया था कि ऐक्शन लिया जायगा। मैं बीस लाख हरिजनों की तरफ से मांग करता हूँ कि जो करप्ट मिनिस्टर हैं उन के खिलाफ ऐक्शन लिया जाना चाहिये। इस तरह से कांग्रेस की भी प्रेस्टिज (prestige) बढ़ेगी और जनता आप का साथ देगी। मैं कहता हूँ कि इस से कांग्रेस का ही फायदा होगा। आज कुछ लोग ऐसा ख्याल करते हैं कि ऐसा करने से लोगों की नजरों में आज कांग्रेस की प्रेस्टिज गिर गई है। वह बिल्कुल गिरी नहीं है। बल्कि पहले जो लोग रास्ते में चलते गाड़ियों में चलते कांग्रेस की नुक्ताचीनी करते थे, आज वह कांग्रेस की तारीफ करते हैं। पंडित जी की तारीफ करते हैं कि यह बड़ा अच्छा स्टेप लिया है। इसलिये मैं आप की सेवा में अर्ज कर्हंगा कि यह जो बिल है कि गवर्नर को पावर्स (powers) दे दी जायें यह जरूर पास होना चाहिये। सारे हाउस को इस पर विचार करना चाहिये। अभी यहाँ पर मेरे माननीय दोस्त चौधरी रोहणी कुमार ने कहा कि यह जो बिल है दूसरे सबों पर भी लागू कर दिया जाये। यह सही बात है। दूसरे सबों में जहाँ ऐसी खराबियाँ हों मैं कहता हूँ कि उन में भी गवर्नर का हलू कर दिया जाय ताकि वह भी क्लीन (clean) और प्युरीफाई (purify) हो जायें।

[प्रो० यशवन्त राय]

इन शब्दों के साथ मैं इस बिल को सपोर्ट करता हूँ ।

(English translation of the above speech)

Prof. Yashwant Rai (Punjab):
Madam, I stand to support this Bill. I believe that the step taken by the Central Government is in the interest of Punjab for if I were to describe to you what was going on there in the time of the former so-called democratic Government, you will realize whether or not there was a democratic Government there. Indeed there was no democracy. Hence the step taken, installing there the President's rule or the Governor's rule on behalf of the President, is a very appropriate step and democracy, that was in danger there, has been saved. In my opinion there was no law and order at the time of the former Government. The House will remember that I had tabled an adjournment motion before the House on the 8th of March when I had explained to the House that there existed no law and order. Not only that, Telegrams were received from people there that their life and property and the honour of their women were not safe. So when the hon. Minister of Labour, Shri Jagjivan Ram, went to Jullundur on the 25th of March, nearly two hundred *Harijan* workers collected and related to him the tragic and woeful tale of the treatment being meted out to them under that Ministry. A Minister of that Cabinet, Shri Prithvi Singh Azad, was also present there who broke into tears and hearing and seeing all that Shri Jagjivan Ram too could not check his tears. The Minister demanded that the *Harijans* should be taken out of Punjab since they were not safe there. Such was the condition of that ministry which you call a democratic ministry. Recently when I toured Punjab I found conditions were much better now and people, specially the *Harijans*, were quite satisfied. Formerly, when the poor *Harijans* went to the police with their complaints, the police turned a deaf ear to them. Now the Governor has taken them to account and the *Harijans* are heard there and their hardships have vanished. When ministers of the Cabinet are our own men and we take our petitions to them and they cannot do anything for us, what is the justification for their continuance in the Government? Ch. Ranbir Singh complained that the Governor was cancelling the arms licences that were issued to the people. I would say that it is a very wise step because in villages such licences have been given to people who are in most cases

goondas. Licences have been issued to them on one plea or the other. They torture the poor villagers there and in some villages very serious fights have taken place. In Nadri village in Haryana region they had a fight with the *Harijans* and the treatment meted out to them was similar to what had been suffered by the Hindus in Pakistan or by the Muslims in India. Spears were thrust into the breasts of young girls. I for one, therefore, welcome the present step. Some Members said that the Governor has re-established *Zaidari* in Punjab. This is not correct; they do not know. It was in fact the former Government that brought about *Zaidari* there. The Governor lost no time, after taking over the Government, to announce that the schemes of the former Government would be implemented and would not be put into cold storage. Hence there is absolutely no truth in that charge.

Another charge levied is that hon. Dr. Ambedkar got the Land Alienation Act repealed. I had submitted to the House the other day also that the hardships of 20 lakhs of *Harijans* were due to that Act. The Land Alienation Act has been repealed by virtue of clause (f) of Article 19 of our Constitution. Such a repugnant law could not exist in face of this Article. People know that *Harijans* could not purchase land even for their houses so long as this law existed. Not only that, they were not allowed to go out of their homes. The result was that during the census operations also they could not go out of their homes or to the fields and could with difficulty pull on. They could not live in peace. All these things continued to happen under that Government. At that time, I made all efforts, met the Ministers of that Government, and gave them reports but all was in vain. Reports were sent to Panditji, Rajaji, Shri Gopaldaswami and Shri Jagjivan Ram that the Government there could not protect the *Harijans*, who asked them woefully whether they should leave Punjab. That was the situation and if the then Government were not able to restore order, there was no justification for its continuance. I should certainly say that people are quite satisfied—95 per cent. of the people are satisfied—with the steps that the Governor is taking. I have met many Deputy Commissioners and Tehsildars. They pay sufficient attention to the *Harijans* and hear the complaints of the poor people and are prepared to accede to their requests. Formerly, some people thought that with democracy their own rule had come in the sense that their relatives were the rulers and they could count upon their recommendation. Tyranny was

thus being committed upon the poor. 'Charity begins at home' was the guiding principle of the Ministers. But the Governor takes a very stern view of such things. He hears everybody and things are going on in such a way that everybody is pleased. But, Madam, I would make this submission that the Governor also takes to task only the small officers and black-marketers; he is sparing the big sharks who were responsible for corruption there, among whom Ministers are also included, and against whom serious charges and complaints have also been made to the High Command. I want that an even more strict Governor should be sent to Punjab, who may also bring to book the Ministers who were responsible for bringing the Ministry into disrepute. Punjab has produced many great men. Corruption was spread there by the shameful deeds of a few ministers who began to act wilfully. This is a matter of great sorrow and shame for the Punjabis. The poor were tormented, unlawful permits and licences were issued to relatives. Many other corrupt practices like these were indulged in which brought them a bad name. There were dissensions amongst the Congress ministers themselves. However, I have not much knowledge about that. I only want to say that there was no law and order. When I had made this complaint to the House on a previous occasion, the hon. Minister of Home Affairs had assured me that action would be taken. I demand on behalf of 20 lakhs of Harijans that action should be taken against the corrupt Ministers. That would enhance the prestige of the Congress and the people would also lend their support to them. That would only be in the interest of the Congress. Some people think that the prestige of the Congress has been lowered by this step. But in fact that prestige has not suffered in the least. On the other hand, the people who used to criticize the Congress on the roads and in the trains, are praising it today. They praise Panditji for having taken a very wise step. I would, therefore, submit that this Bill delegating power to the Governor must be passed. The whole House should give serious thought to it.

As my friend Shri Rohini Kumar Chaudhuri said just now it is in the fitness of things that the scope of this Bill be extended so as to apply to some other States also. In other States too, where such corruption prevails, the Governor's rule should be established in order that they may also be cleaned and purified.

With these words I support the Bill.

श्री भट्ट : माननीया सभानेत्री जी, मैं इस बिल के मुताल्लिक बहुत ज्यादा लम्बी बहस तो नहीं करना चाहता क्योंकि आप ने सब को मौका दिया है और सब अपने विचार यहां प्रकट कर रहे हैं। इस के साथ साथ जो रिजोल्यूशन (Resolution) हम ने पास कर दिया है उस के मुताल्लिक भी कोई बिक्र नहीं करूंगा। मैं यह भी नहीं कहना चाहता हूँ कि पंजाब की हालत आज कैसी है और दो महीने पहले कैसी थी। कई मित्रों ने यह बताया कि वहां संतोष है और कोई यह कहते हैं कि डिमाक्रेसी (democracy) पहले थी या नहीं थी इस विषय में आपस में कुछ शंका है। मैं इन विषयों में आप की तबज्जह नहीं दिलाना चाहता हूँ और न तो मैं इस के फैसले में जाना चाहता हूँ। वह मेरा विषय नहीं है और इस विषय को मैं छोड़ना चाहता हूँ।

मैं माननीय सदस्यों का ध्यान इस तरफ भी आकर्षित करा दूँ कि अगर उन्होंने ने श्रीयुक्त गोरबला की रिपोर्ट पढ़ी है तो वह समझ सकते हैं कि हमारे अलग अलग प्रदेशों में नेपाटिज्म (nepotism), फेवरिटिज्म (favouritism) कर्प्शन (corruption) वगैरह कैसे चल रहे हैं और इस को रोकने के लिये हमें क्या करना चाहिये, मगर इस ध्यान से और इस नुक्ते निगाह से, इस दृष्टिबिन्दु से हम देखेंगे तो मालूम नहीं कि कितने प्रदेशों में वहां के अल्थारात हम को ले लेने चाहियें और अगर आप मुझे माफ़ करें तो सेंटर (Centre) में भी हमें किसी तरह का परिवर्तन करना होगा। इस का एक चित्र तो अलग बन गया, मगर जैसा कि गोरबाला ने रिपोर्ट किया है अगर उस को आधार माना जाय और अगर कुछ ला एंड आर्डर (law and order)

[श्री भट्ट]

की बात की जाय तो अलग अलग प्रान्तों में क्या चल रहा है। इस बात को भी आप को ध्यान में रखना चाहिये। यह तो कोई असाधारण संयोग उपस्थित हुए हैं हमारे अन्दर, इसलिये यह कदम पार्लियामेंटरी बोर्ड को उठाना पड़ा है। लेकिन मैं अर्ज कर रहा हूँ कि मैं उन बातों में जाना नहीं चाहता हूँ, और वह बहस भी नहीं करना चाहता हूँ, क्योंकि हमारे पंजाब के दोस्त इस के मुताल्लिक अलग अलग राय रखते हैं। मैं भी पंजाब के मुताल्लिक कई खबरें जानता हूँ, ट्रिब्यून भी देखता हूँ, पंजाब के ऐम० ऐल० ऐज० से भी बात होती है और वह भी कहते हैं कि क्या ठीक है, क्या ठीक नहीं हो रहा है। वहाँ के गवर्नर साहब क्या कर रहे हैं क्या नहीं कर रहे हैं, यह चीज बाहर के अखबारों में बड़ी बड़ी हेडिंग्स (headings) से आ रही हैं, जो नहीं आना चाहिये। किसी रूप से पापुलरिटी (popularity) हासिल करना चाहिये, इन सब बातों में मैं नहीं जाना चाहता।

मैं तो एक सिद्धान्त की बात कहना चाहता हूँ। आप देखिये कि हमारे माननीय गृह मंत्री जी ने जो बिल पेश किया है वह क्यों पेश किया है। जो असाधारण परिस्थिति पैदा हुई उस के लिये ऐलान हुआ और उस ऐलान की हम ने तारीख की। जिन संयोगों में तारीख की वह भी आप लोगों को मालूम है। लेकिन अब जो यह बिल हमारे सामने पेश है उस की जरूरत है या नहीं और अगर उस की जरूरत है तो कितनी हद तक जरूरत है और हमें अपने अस्तित्पार रीपुब्लिकिटी को कहां तक देने चाहिये और हमारे राष्ट्रपति जी को दूसरे को वह अस्तित्पार कहां तक देने चाहिये इस के मुताल्लिक ही सोचना चाहिये। इस के उद्देश्य में बतलाया गया है :

"If all legitimate measures that it may be necessary to enact from time to time for the State of Punjab are to be taken up by Parliament it would require a great deal of time which would not be available and which would hold up measures of all-India importance."

माननीया सभानेत्री जी, मैं आप का ध्यान इस ओर दिलाना चाहता हूँ कि यह आज का बिल कामीकनेन्शियल (consequential) नहीं है पर इनेबलिंग (enabling) बिल है। धारा ३५७ जिस से आप यह कर सकते हो वह एम्पावरिंग (empowering) धारा है। अब हमें यह सोचना है कि इस पार्लियामेंट में पंजाब के १२ नुमाइदे हैं। आज पंजाब पार्ट ए० स्टेट से पार्ट सी० स्टेट बन रहा है। हम पार्ट सी० स्टेट्स के लिये कायदे कानून बनाते हैं, और पार्लियामेंट में पार्ट सी० स्टेट्स के कितने नुमायन्दे हैं? मारे दिल्ली से लगा कर, मनीपुर, त्रिपुरा, कुर्ग वगैरह को ले कर हम सब मिलकर ११ आदमी हैं पार्ट सी० स्टेट्स के और पंजाब के १२ आदमी हैं यद्यपि १६ होने चाहिये। अब एक इतना बड़ा प्रान्त है जिस के १२ प्रतिनिधि यहां मौजूद हैं और जिस की धारा सभा मुअत्तिल कर दी गई है क्या वजह है कि जब यहां एक प्रान्त के १२ सदस्य मौजूद हैं तो हम को यहां इस तरह का बिल लाना चाहिये। मैं इस दृष्टि से गृह मंत्री जी से कुछ निवेदन करना चाहता हूँ कि जब सी स्टेट्स के लिये जिन के सब मिला कर ११ आदमी हैं हम यहां कानून बनाते हैं तो क्यों यह मुमकिन नहीं है, क्यों यह जरूरी नहीं है, क्यों यह उचित नहीं है कि पंजाब के लिये भी हम जो कुछ कानून बनायें उन को यहीं लायें और उन को यहीं पास करें। कहा जाता है कि पंजाब के मामले में जो बिल हैं उन में बहुत वक्त

लगेगा। आप को मालूम है कि दिल्ली के रेंट कंट्रोल (Rent Control) के बारे में कितने दिन लगे और अजमेर मेरवाड़ा के टैनेन्सी बिल (Tenancy Bill) में हम ने कितने दिन लगाये और कितने घंटों लगाये और जब भी कोई छोटा सा भी सवाल आ जाता है तो हम कितना वक्त लगा देते हैं। तो फिर उस पंजाब जैसे सूबे के जिस के हाथ से हम ने हुकूमत ले ली है उस ज़रूमी पंजाब के ज़रूमों पर और नमक न छिड़किये। हम उन को ज्यादा दुःखी न करें और उन के हक की हिफाजत करें और हिफाजत हम कर सकते हैं, डाक्टर श्यामाप्रसाद मुखर्जी ने हमें सुझाया है कि यदि पंजाब के कारण हमें रोज़ दो एक घंटे देर तक बैठना पड़े तो हम बैठने के लिये तैयार हैं और आननीय सभानेत्री जी, मैं आप से यह कहना चाहता हूँ कि इस बिल में तो मामूली कानून है वही हम बनाने का अस्तित्कार प्रेसीडेंट को दे रहे हैं। कोई मनी बिल (Money Bill) के बारे में हम ने अस्तित्कार नहीं दिया है। जिस बिल में फाइनेन्शियल इम्प्लीकेशन (Financial implications) होंगे उस को वह नहीं बना सकेंगे, उस को तो हमारे सामने लाना ही होगा। तो वह बिल जो मेरे माननीय मित्र ज्ञानी जी ने बताया वाटर सैस (water-cess) के मुताल्लिक वह फायनेन्शियल इम्प्लीकेशन वाली चीज़ होगी। तो वह हमारे सामने आनी चाहिये।

पंडित ठाकुर दास भार्गव : प्रेसीडेंट साहब तो इस तरह का ऐक्ट नहीं बना सकते, वह तो खर्च कर सकते हैं ३५७ के मातहत। फाइनेन्शियल बिल तो पार्लियामेंट के सामने आना चाहिये।

श्री भट्ट : यही मैं कह रहा हूँ और वही मेरा मकसद है। उन मामूली बिलों के 229 PSD

लिये हम तैयार बैठे हैं और हम कहते हैं कि आप सेशन की जो मियाद रखना चाहते हैं वह रखें, अगर आप सितम्बर के आखिर तक ही रखना चाहते हैं तो वैसा ही रखें और बाद में न बैठें, लेकिन हम रोज़ एक घंटा या दो घंटा या आखिरी दिनों में दो घंटा रोज़ ज्यादा बैठने के लिये तैयार हैं। हमारी अपने प्रेसीडेंट साहब पर बहुत श्रद्धा है और अपने मंत्रियों पर भी बहुत श्रद्धा है, लेकिन जब तक हम जिन्दा बैठे हैं और पार्लियामेंट चल रही है तब तक हम पार्लियामेंट के जो अस्तित्कारात हैं उन को किसी दूसरे को नहीं देना चाहते। जब पार्लियामेंट न हो तो मामूली तौर से जैसे और जगहों के लिये आर्डिनेंस (Ordinance) बनाये जाते हैं उसी तरह पंजाब के लिये भी बनाये जायें। और जब पार्लियामेंट फिर से मिले तो वह आर्डिनेंस हमारे सामने आयें तो मेरी समझ में नहीं आता कि आज कौन से ऐसे असाधारण संयोग पैदा हो गये हैं कि, जैसा हमारे गृह-मंत्री जी बतलाते हैं, इस बिल के बिना काम चल ही नहीं सकता। और इस को लाना लाजिमी है, और अगर यह पास नहीं होगा तो पंजाब की हालत बिगड़ जायेगी। मैं अपने पंजाब के दोस्तों का ध्यान खींचना चाहता हूँ कि हम जो यहां सोच विचार कर बिल बनायेंगे वह ज्यादा अच्छे होंगे और वह पंजाब की दृष्टि से भी ज्यादा अच्छे होंगे यह मेरा निवेदन है। मैं बहुत लम्बी बहस में नहीं जाना चाहता लेकिन मैं यह कहना चाहता हूँ कि पंजाब के १२ नुमाइन्दे यहां बैठे हैं उन के सामने यह चीज़ आनी चाहिये। मैं समझता हूँ कि यह चीज़ आवश्यक है कि जैसे हम पार्ट सी० स्टेट्स के लिये कानून बनाते हैं उसी तरह पंजाब के लिये भी कायदे कानून हमें बनाने चाहिये और वही तरीका अच्छा होगा। इसलिये

[श्री भट्ट]

में गृह मंत्री जी से प्रार्थना कर्हंगा कि वह इस बिल को वापस ले लें और जो सिलसिला आम तौर से संविधान में रखा गया है उस के मुआफिक हम चलते रहें। ज़रूमी पंजाब को ज्यादा ज़रूमी न कीजिये। उन को और ज्यादा दुःखी न कीजिये। हम मानते हैं कि उन को बहुत चोट पहुंची है। उन को और ज्यादा चोट न पहुंचाइये।

(English translation of the above speech)

Shri Bhatt (Bombay): Madam, I do not want to speak at length on this Bill for you have given an opportunity to everybody to speak and they have expressed their views here. I would also not touch upon any point with respect to the Resolution that we have already passed. Also I would refrain from comparing the conditions obtaining in Punjab today with those obtaining two months back. Some of my friends have said that there is general satisfaction today while others have addressed themselves to the observation whether there was democratic rule or not previously. I do not want to engage your attention on these points, nor do I want to pass any judgment over them. That is not my subject and I want to leave it there.

I would draw the attention of the hon. Members towards Gorwala Report in which they will find to what extent nepotism, favouritism, corruption etc. are prevalent in the various States and what should be done to check them. But if we would consider the matter from that point of view, we would come to discover a number of States the administration of which also we should take over and, if you will excuse me, we shall also have to make some changes at the Centre. That is, however, a different picture: if we think of law and order on the basis of the report of Shri Gorwala, we shall have to keep in view what is going on in different States. It was on account of some unusual circumstances that the Parliamentary Board had to take this step. However, I do not want to go into or argue over these things because our friends from Punjab have different opinions in this matter. I have also some knowledge of the affairs of Punjab. I read the *Tribune* and have occasions to talk with the M.L.A.s of Punjab who tell me what things are going right and what

are going wrong. What the Governor is doing or not doing there is appearing in big headlines in outside papers which should not be so. Popularity is sought to be gained somehow. However, I do not want to go into these questions. I want to talk of a principle. We should think over why the hon. Minister of Home Affairs has brought forward this Bill. A Proclamation was issued to meet the abnormal situation and we gave our approval to it. You are also aware of the circumstances under which we gave our approval. But now since this Bill is before us, we should consider whether there is any necessity of such a Bill and if there is, to what extent and what powers should be delegated to the President and how far the President should delegate these powers to somebody else. According to its Objects and Reasons:

"If all legitimate measures that it may be necessary to enact from time to time for the State of Punjab are to be taken up by Parliament it would require a great deal of time which would not be available and which would hold up measures of all-India importance."

Madam, I want to draw your attention towards the fact that the present Bill is not a consequential Bill, it is an enabling Bill. Article 357 under which we can act is an empowering Article. Now, we have to keep in mind that there are 12 representatives of Punjab in this Parliament and Punjab's status has been reduced from that of a Part A State to one of a Part C State. We legislate for Part C States and here there are in all eleven representatives of these States including Delhi, Manipur, Tripura, Coorg etc. while there are twelve representatives from Punjab although there should have been 16. It is thus a big State, twelve representatives of which are present here and the legislature there has been suspended. I do not understand why such a Bill should have been brought forward for a Province whose twelve Members are present here. I would submit to the hon. Minister of Home Affairs that when we can legislate for Part C States, which have a combined strength of eleven members, how is it not possible, desirable and necessary that all laws that are to be enacted for Punjab should be brought here and passed. It is said that if the Bills relating to Punjab are brought here they will consume much time of the House. You are aware how many days were spent in dealing with the Delhi Rent Control and the Ajmer-Merwara Tenancy Bill

and also that we spend many hours even on small questions. We shall therefore do well by not adding insult to injury in the case of the lacerated Punjab whose administration we have taken away. Let us not make them suffer more but should protect their rights, which we can. As Dr. Syama Prasad Mookerjee has suggested, even if we may have to sit for extra two hours for the sake of Punjab we are ready for that, and Madam, I want to submit that through this Bill we are giving to the President the authority to make ordinary laws; it does not seek to give him any power regarding a money bill. He cannot make laws having financial implications; these would have to be brought before us. The Bill regarding water-cess that my friend Shri Gianiji mentioned would involve financial implications. So that must come up before us.

Pandit Thakur Das Bhargava: The President cannot make such a law. He can only incur expenditure under Article 357. But any financial Bill must come before Parliament.

Shri Bhatt: That is what I am submitting and that is my point. For those ordinary Bills we are ready. If they want to retain the time-limit for the Session till the end of September, they may do so, let them not sit beyond that. But we are ready to sit daily for one or two hours extra or for two hours every day during the closing days of the Session. We have full confidence in our President and in our Ministers, but so long we are here and this Parliament is in Session, we do not want to transfer our rights to anybody else. When Parliament is not in session, Ordinances may be issued for Punjab just as is done in the ordinary course for other places, and when we meet those Ordinances should come before us. I do understand that extraordinary circumstances have arisen, as our hon. Minister of Home Affairs pleads, due to which the need for this Bill has become imperative, for without its passage conditions in Punjab would deteriorate. I want to draw the attention of my hon. friends towards the fact that the measures which we enact here would be better ordinarily as also from the point of view of Punjab. I do not wish to enter into any lengthy discussion, but I want to say that there are twelve representatives of Punjab here and everything must come up before them. I think it is essential that we make laws here for Punjab just as we do for the Part C States. That would be the best way. So I would request the hon. Minister of Home Affairs to withdraw this Bill

and follow the procedure generally provided in the Constitution. Injuries should no more be inflicted on the already wounded Punjab. They have no doubt, been hurt much. Let them be hurt no more.

मास्टर नंद लाल : नौ तारीख को एक रिजोल्यूशन (Resolution) पास कर के हम ने उस प्रोक्लमेशन (Proclamation) को एप्रूव (approve) किया जो कि हमारे प्रेसीडेंट (President) साहब ने पंजाब की कैबिनेट (Cabinet) को मजतिल करने के लिये २० जून को जारी किया था। मैं उस के हक में हूँ क्योंकि मैं समझता हूँ कि पंजाब में ऐसे हालात पैदा हो गये थे कि इस तरह का कदम उठाना लाज़िमी था और मैं इस बात के भी हक में हूँ कि जब तक जनरल इलेक्शन (general election) न हो जायें नई कैबिनेट न बनाई जाय। लेकिन मैं इस बात के हक में नहीं हूँ कि पार्लियामेंट (Parliament) के अस्तियारात छीन कर एक आई० सी० एस० (I. C. S.) गवर्नर (Governor) के हाथ में दे दिये जायें। मैं समझता हूँ कि यह एक नई मुसीबत पंजाब पर आई है। पंजाब मुसीबतों का मुकाबला करता रहा है और अपने बल बूते पर चलता रहा है। किसी ने कहा है कि इस पंजाब की हर बात निराली होती है। आज एक निराला सलूक हमारे साथ हो रहा है। हमें पार्लियामेंट से हटा कर एक आदमी के हवाले किया जा रहा है। मैं समझता हूँ कि यह एक नई बात ही नहीं है बल्कि यह एक प्रिसिडेंट (precedent) हो रहा है। मैं मानता हूँ कि पंजाब एक लावारिस सूबा है, कोई इस का बारिस नहीं है। पंजाब पर जो चाहे हमला कर सकता है, जो चाहे उसे दबा सकता है। पंजाब के अन्दर हाई कमान्ड (High Command) जैसे चाहे खेल सकता है। यह चाहे

[मास्टर नंद लाल]

जिस तरह हमें दबा सकता है, चाहे जो बात हम से कह सकता है क्योंकि हमारा कोई लीडर (leader) नहीं है।

हम बगैर लीडर के हैं, वरना चोर बाजारी, रिश्वत खोरी हमारे सूबे से बाकी सूबों में ज्यादा है। मैं दावे के साथ कह सकता हूँ कि आनरेबिल होम मिनिस्टर (hon. Minister of Home Affairs) जिस जगह बैठे हैं इस सूबे के अन्दर इतनी रिश्वतखोरी है कि जितनी पंजाब में कहीं मौजूद नहीं है। यहां आप किसी सिपाही के पास चले जायें जो ट्रकों (Trucks) की निगरानी करने के लिये खड़े हैं। कोई भी चला जाय वह बराबर रिश्वत लेते हैं। मेरे एक ट्रान्सपोर्ट (Transport) के दोस्त ने कहा कि वह किसी गांधी टोपी की दिल्ली में परवाह नहीं करते। मेरे सामने रिश्वत दी और पुलिस वालों ने ली। लेकिन यहां बड़े आदमी बैठे हैं और पंजाब का कोई बड़ा आदमी नहीं है और कोई हमारा रहनुमा नहीं है। यही हमारा कुसूर है। पंजाब की घरती के अन्दर ऐसी तासीर है कि वह बाहर के लीडरों की मानते हैं, अपने लीडरों को नहीं। अपना जो आदमी बढ़ता है उस को नीचे खींचने की कोशिश करते हैं, बाहर से कोई भी आये तो हम उस को लीडर तसलीम कर लेंगे, लेकिन अपने आदमी को नहीं। आज हम उसी की सच्चा भुगत रहे हैं। आज हिन्दुस्तान में बाकी सूबों में उसी तरह करप्शन (Corruption) है, उसी तरह चोर बाजारी है, उसी तरह रिश्वतखोरी है और सूबों में तो कबिनेट चल रही है लेकिन पंजाब वालों को प्रेसीडेंट के बजाय अब एक आई० सी० एस० के सुपुर्द किया जा रहा है। मैं नहीं कहता कि पंजाब की हुकूमत प्रेसीडेंट साहब के हवाले न की जाय क्योंकि ऐसे

ऊंचे अखलाक के आदमी के हवाले की जायगी तो हम भी कुछ उन से सीख सकेंगे, हमारा सूबा भी कुछ बढ़ सकेगा। लेकिन हमें गवर्नर साहब के हवाले किया जा रहा है। आप मुझे माफ करें, मैं गवर्नर साहब की जात के ऊपर कोई हमला नहीं करना चाहता। मैं मानता हूँ कि उन के दिल के अन्दर स्वाहिश है कि पंजाब से रिश्वतखोरी, चोर बाजारी हटाई जाय। लेकिन वह अपनी कोशिश में कामयाब नहीं हो सकते। मैं कहता हूँ कि सारा पंजाब आज खुश है कि पंजाब की कबिनेट टूट गई और पंजाब में गवर्नरी राज्य आ गया। लेकिन दो महीने ठहर जाइये, सारा पंजाब उन को गाली निकालेगा। आज ही आप देख लीजिये, पंजाब के अखबारों में और पंजाब के प्लेटफार्मों (Platforms) पर एक नई आवाज और उठने लग गई है कि पंजाब में बड़े बड़े आदमियों को गिरफ्तार किया जा रहा है, लेकिन सरकारी मुलाजिमों को कुछ नहीं कहा जा रहा है। पंजाब में लक्षपतियों को ब्लैक मार्केट (Black-market) के बहाने जेल में डाला जा रहा है लेकिन उन लोगों के साथ, पंजाब के सिविल अफसरान (civil officials) के साथ कुछ नहीं किया जाता और वह उसी तरह अब भी रंग रेलियां मना रहे हैं। हम मिसालें दे सकते हैं और बता सकते हैं कि पंजाब में फायनेन्शियल कमिश्नर (Financial Commissioner) साहब किस तरह काम कर रहे हैं जिस से गरीब शरणार्थियों का नुकसान हो रहा है। मगर उन पर इस का कोई असर नहीं पड़ता। आज क्या हालत है। दो सी सिविल सप्लाई (Civil Supply) के आदमियों को निकाल दिया गया। वह कौन थे? सुपरवाइजर (Supervisor)

सब-इन्स्पेक्टर (Sub-inspector) वगैरह। लेकिन ऊपर वाले आदमियों के खिलाफ क्या किया गया। सिविल एडमिनिस्ट्रेशन (Civil Administration) में ऐसी गांठ जोड़ बंधी हुई है कि वह एक दूसरे के खिलाफ नहीं जा सकते और वह अपने आप को बचाने के लिये गरीब आदमियों पर हमला कर देते हैं और दस बीस आदमियों को पकड़ लिया जाता है। और एक लम्बी लिस्ट (list) बना दी जाती है और अपने आप को वह बचा लेते हैं। अगर पंजाब में हुकूमत गवर्नर के हवाले कर दी जाय तो मैं समझता हूँ कि पंजाब एक रंडा सूबा बन जायेगा और उस में किसी को भी नहीं पूछा जायेगा और सिविल सर्विस (Civil Service) की हुकूमत हो जायेगी। मैं ने देखा है तमाम करनाल के जिले में तहसीलदार, डिप्टी कमिश्नर वगैरह ने किसी एक भी बड़े आदमी को नहीं पकड़ा। लेकिन रिपोर्ट दे दी कि ५० ब्लैक मारकेट के केस (Case) पकड़े गये। एक रिपोर्ट दे कर वह अपना काम कर लेते हैं।

तो मेरी समझ में नहीं आता कि ९ तारीख को तो हम ने एक रिजोल्यूशन अप्रूव किया जिस के जरिये से हम ने पंजाब की हुकूमत को प्रैसीडेंट के हवाला कर दिया और प्रैसीडेंट को हुकूमत चलाने का अस्तियार दिया और फिर १० तारीख को हम एक बिल पेश करते हैं कि पंजाब के लैजिस्लेचर (Legislature) का काम जो अब पार्लियामेंट करती है वह लैजिस्लेचर का अस्तियार भी हम गवर्नर के हवाले करते हैं। पंजाबी में कहा जाता है कि "सिर मूंडाते ही ओले पड़े"। पहिले दिन ही तो हम ने अस्तियार दिया और फिर हुकूमत और लैजिस्लेचर का अस्ति-

यार अब गवर्नर को दे रहे हैं। बज हात कोई बयान नहीं की गई कि पार्लियामेंट क्यों नहीं लैजिस्लेचर का काम कर सकती है। क्या पार्लियामेंट ने कभी इन्कार किया है, क्या पार्लियामेंट ने यह कहा है कि हमारे पास वक्त नहीं है। पार्लियामेंट के मेम्बरान बड़ी खुशी से पंजाब का काम करने को तैयार हैं। जब हम काम करने को तैयार हैं, एक लैजिस्लेचर तैयार है तो क्यों उस के अस्तियारात को छीनकर फिर दूसरे को दिये जायें? क्यों इस के अस्तियारात गवर्नर को दे दिये जायें? आप याद रखिये कि आज पंजाब की हालत पिछली कैबिनेट के वक्त से दिगरगू है। पंजाब में कम्युनिज्म (Communalism) इतना फैला हुआ है कि पंजाब में अफसर हिन्दू हिन्दू है और सिक्ख सिक्ख है। अगर आज गवर्नर के हाथ में अस्तियार दे दिया तो कांग्रेस की वह दुर्गत होगी कि आप याद रखेंगे। वह कांग्रेस को दबाने की कोशिश करेंगे क्योंकि कांग्रेस ने तीन चार साल तक इस का मुकाबला किया था, इन सरविसेज का मुकाबला किया था। लेकिन अब कांग्रेस के हटते ही फिर वह जैलदारी सिस्टम (System) शुरू कर दिया गया है। कहा जाता है कि १५ तारीख को ही पिछली कैबिनेट ने आर्डर (Order) दे दिया था। लेकिन उसके बाद रिप्रेजेंटेशन (Representation) किया गया। सरदार प्रताप सिंह ने रिप्रेजेंटेशन किया कि वह सिस्टम हटा दिया जाय और इस पर अमल न किया जाय। लेकिन किसी ने यह बात नहीं मानी। अगर इसी तरह के अस्तियारात गवर्नर को दे दिये गये तो फिर वह सिस्टम चल जायेगा और सब खराबी हो जायेगी।

हमारे कोई रहनुमा नहीं है। अगर हमारा कोई रहनुमा कैबिनेट में या हाई

[मास्टर नंद लाल]

कमांड में होता तो हमारी बात कहता । हम अब आप के रहम पर हैं । इसलिये हम आप के रहम पर होते हुए भी आप से दरखास्त करते हैं कि हमारी रक्षा कीजिये और एक आदमी के हवाले हम को न कीजिये । एडवाइजरी काउंसिल (Advisory Council) बना दीजिये या कोई नौर सिस्टम कर दीजिये जिस के मार्फत कि हम आवाज उठा सकें । लेकिन एक गवर्नर के हाथ में दे कर हम को तबाह करने की कोशिश न करें ।

(English translation of the above speech)

Master Nand Lal (Punjab): By passing a Resolution on the 9th August, 1951 we approved the Proclamation of our President which he had issued on the 20th June, 1951 after suspending the cabinet of the Punjab. I am in favour of this move because I think that such conditions had developed in the Punjab that it became almost necessary to adopt these measures and I am also of the opinion that no new Cabinet should be formed till the general elections have been held. But I do not favour the idea of delegating all the powers of Parliament to a Governor who is an officer of the I.C.S. I think a new calamity has fallen on the Punjab. So far, the Punjab has faced all the calamities single-handed relying on its own strength. Somebody has said that everything is peculiar in the Punjab. We are being treated in a strange manner. We are being deprived of the tutelage of Parliament and entrusted to the rule of one person. I think, it is not merely a new thing but a precedent is being established. I admit that the Punjab is an orphan State and there is nobody to look after it. Anybody can attack the Punjab, anybody can suppress it. The High Command can do whatever it likes in the Punjab. They can suppress us, they can pass any remarks against us because we have not got a leader otherwise there is more black-marketing and corruption 12-50 P.M. prevalent in other States than in ours. I dare say that more bribery is prevalent in this State where the hon. Minister of Home Affairs is sitting than in any part of the Punjab. Walk up to any policeman who is posted to

check the trucks and you will find that he accepts bribe. One of my friends in the Transport Department told me that they did not care for any Gandhi Cap in Delhi. I have seen with my own eyes policemen accepting bribe. But, while influential persons are sitting here there is none so influential from the Punjab and there is no leader of ours. This is our fault. This is the characteristic of the Punjab that it accepts outsiders as its leaders while it has no regard for its own leaders. They try to pull down anyone amongst them who tries to make any headway. We would gladly accept anybody from outside as our leader, but not any one from amongst us. Today, we are suffering on account of that. Today, corruption, black-marketing and bribery are as rampant in other States of India as there. Cabinets are functioning in other States but the Punjabis are being entrusted to the care of an I.C.S. officer instead of the President. I do not say that the Government of Punjab should not be handed over to the President because we would learn something from a person of his integrity and our State would be able to make some progress. But we are being entrusted to the care of a Governor. You will, kindly, excuse me as I have no intention of passing any remarks against the Governor in his personal capacity. I admit that he wants that bribery and black-marketing should be eradicated from the Punjab. But he cannot be successful in his attempt. I find that today the whole of the Punjab is glad to see that its Cabinet has been suspended and replaced by the rule of the Governor. But, wait for only two months and you will find that the whole of the Punjab will curse it. Look at the things yourself and you will find that a new voice is being raised through the newspapers and from the platforms of the Punjab that the rich and prominent persons of the Punjab are being arrested while no action is being taken against Government employees. The millionaires of the Punjab are being put behind the bars on the pretext of indulging in black-marketing but nothing is being done against the civil officials of the Punjab, who are enjoying the gay life as usual. We can quote examples to show as to how the Financial Commissioner of the Punjab is performing his duties which is proving detrimental to the interests of the poor refugees. But he is not affected in the least. What is the position today? Two hundred employees of the Civil Supplies Department have been sacked. Who

were they? They were Supervisors, Sub-Inspectors etc. But what action has been taken against the higher officials? There is such a mutual understanding amongst the officials of the Civil administration that they take no action against each other and to save themselves they oppress the poor by arresting some of them. Thus a long list is prepared in order to save themselves. If the Government of the Punjab is entrusted to the care of a Governor, I think, the Punjab would become a 'widowed State' where nobody would be cared for and the civil services would be all in all. I have seen that in the whole of the district of Karnal the Tehsildar Deputy Commissioner etc. did not arrest any of the big fellows but circulated the report that fifty cases of black-marketing had been registered. They serve their purpose simply by circulating reports.

We approved a resolution on the 9th August, 1951, by which we entrusted the Government of Punjab to the President and authorised him to run the Government, but I fail to understand as to why a Bill was introduced on the 10th August, 1951, to delegate the power of legislation for the State of Punjab, which is being exercised at present by Parliament, to the Governor. It is said in *Punjabi* "misfortune overtook him at the very outset." The other day we delegated the powers to the President and now we are transferring those powers of administration and legislation to the Governor. No reasons have been assigned as to why Parliament cannot legislate for the Punjab. Has Parliament ever refused to legislate or has it ever said that it has not got time to do that? Members of Parliament are extremely glad to legislate for the Punjab. When we are ready to do the work, when a legislature is prepared to do it then why should our powers be taken away from us and delegated to others? Why should those powers be delegated to the Governor? You must remember that conditions in the Punjab now are more unstable than what they were when the last Cabinet was in power. Communalism is so rampant in the Punjab that a Hindu Officer is a Hindu and a Sikh Officer is a Sikh, first and foremost. You must remember that the Congress will be nowhere if you delegate the powers to the Governor. They will try to suppress the Congress because it had defied them.—the Services—for the last three or four years. The *Zaildari* system has again been introduced after the exit of the Congress. It is said that the orders were passed by the last Cabinet on the 15th. But, then, a representation had been made.

Sardar Pratap Singh had made the representation that this system should be abolished and no action should be taken on it. But nobody had agreed to that. If those powers are delegated to the Governor, the same system will be re-introduced and confusion will prevail.

We have no leader. Had we any leader in the Cabinet or on the High Command, he would have certainly told them all about us. We are at your mercy. Being at your mercy, we implore you kindly to save us and not to entrust us to a one-man rule. Introduce the Advisory Council system or any other system so that we may be in a position to ventilate our grievances. But, for God's sake, do not try to ruin us by handing us over to a Governor.

Prof. K. T. Shah (Bihar): Most of the arguments that I would have liked to urge in my own words would be a repetition and so I would not like to take the time of the House on merely repeating those arguments. There are two or three points, however, in this matter which are of basic constitutional importance, and if I permit myself to intervene in this debate it is only to draw pointed attention to those matters which touch not only the Punjab, which touch the whole of the country, and so long as this Constitution lasts which touch the unborn generations as well.

It is for this reason that I would like to repeat the old old saying which, however, is never out of date or obsolete, namely, that however good a Government an autocrat's may be it can never be a substitute for self-Government. It is a principle of democracy which we have been taught....

Shri B. Das: That is Rajaji's slogan.

Prof. K. T. Shah: Rajaji himself was, after all, once upon a time a democrat!

Shri Rajagopalachari: I do not contradict the statement at all. Only, I would add "or the reverse". One is no substitute for the other—neither good Government for self-Government nor self-Government for good Government.

Prof. K. T. Shah: I accept that proposition and I am very glad that I am supported by such stalwarts as the hon. Home Minister for whom one has unspeakable reverence (*An Hon. Member:* Unspeakable?) inestimable reverence, reverence which cannot be calculated.

The point, therefore, need hardly be laboured further if it is conceded

[Prof. K. T. Shah]

that good Government cannot be a substitute for self-Government.

In this matter of the Punjab it is by this legislation, not only the introduction of Presidential rule, rule by decree or Ordinance which circumstances may have necessitated. What is now required is the delegation of that rule and that power also, even while Parliament may be sitting, to the executive and through the executive to anyone that that executive may

1 P.M.

appoint. This is contrary also to the other great principle that I had once learnt and I hope I have not forgotten, that a delegate should not delegate. The right of the President under the Constitution to assume certain powers and the competence of this Parliament to enable him to take up even legislative powers may be granted but for him to legislate as a Presidential Act, while Parliament is sitting, is going far beyond the reasonable limits of the Constitution under which this situation has developed and the remedy proposed for it has been brought about. It is perfectly correct that we in this House have accepted the resolution moved by the Home Minister and therefore the circumstances that went before the actual fulfilment of the wording of article 356 may be fulfilled or not is a matter not now relevant for discussion. One may have one's own opinion, but we must accept the position as it is. What one cannot accept however, is that following from that after the development of that situation and giving effect by a legislation to this position until, at any rate, the new elections take place and proper Parliamentary Government is established in the Punjab, is an attempt to allow Presidential legislation to be permitted even while Parliament is sitting. Time and again it has been pointed out in the House that Parliament may sit and should sit, and I hope it will sit long enough to pass any urgent legislation in the Punjab that may be necessary or some arrangement may be made whereby a semblance of a legislative body may be instituted for the Punjab even during the interval so that we should not have the mortification of taking from the armoury of the British regime everything that we ourselves used to condemn, such for instance as the suspension of Legislature and the adoption of the rule by the Governor.

In this connection it is also worth noting, as has been let out, that the majority of opinion here seems very much against this Bill or its, at least,

being proceeded with at once and the form in which it is. As one of the Members speaking let out, the Members' sense of loyalty or party discipline may compel many to vote for the measure which in their heart of hearts they cannot approve. It is rather an inducement of democratic legislation which I trust those responsible for the measure will not authorise. I wanted to point out that in view of what has been said and in view also of the readiness of the House to meet every requirement for any urgent legislation that may be necessary to pass for the Punjab and in view of the probability also of this session being extended, it seems to me that it is highly undesirable that this legislation should be proceeded with at this time and in this form and therefore those concerned will see to it that somehow the present Bill is withdrawn or reconsidered and if necessary Parliament itself is called upon to enact such important and urgent measures as are outstanding in the Punjab Legislature for the present.

As Dr. Mookerjee earlier pointed out, even by this Bill, dual responsibility will not be ended and dual responsibility by itself is objectionable in principle and will be found very inconvenient in working. It is for that reason also therefore that if the supremacy of Parliament is to be retained in financial matters and even in matters of executive administration and in supervision, then the mere advantage of legislative authority even at the beginning stage would be both unwise and in my opinion impracticable and would leave a mass of ill-feeling that can be easily avoided. I therefore oppose this Bill.

Shri J. R. Kapoor (Uttar Pradesh): I am afraid I cannot lend my support to this Bill in its present form. It is said that it is a consequential Bill. I think it is not only not a consequential Bill, but it is obviously suicidal. It may perhaps be said to be consequential in the sense that as we sow, so do we reap. The other day, we sowed the seed of suspending the Legislature in the Punjab; today we are perhaps being called upon to reap the harvest in the form of suspending Parliament also to the extent of suspending the power of enacting legislation in respect of the State of Punjab. We are being called upon to commit suicide at least to this limited extent that we should forego our power to enact legislation in respect of the State of Punjab. I am sure no hon. Member of this House who is not on the Treasury Benches would be a wil-

ling party to this act of suicide, not even, I hope, my hon. friend Mr. Kamath, whom I do not see here, who has been persistently and constantly trying to legalise suicide. I think this Bill is even contrary to the provisions of our sacred Constitution. It may not be contrary to the provisions so far as the letter of the Constitution is concerned; but certainly, I have no doubt in my mind, it is contrary to the spirit of the Constitution.

We never had intended that article 357 of the Constitution should ever be made applicable under circumstances as they obtain today in the State of Punjab. Article 357 was intended to be made use of if there is an emergency; not an emergency of the nature that exists today in the Punjab, but an emergency of the nature of war or widespread civil disturbances. Such an emergency, surely, does not exist today. There is no state of war; nor are there widespread civil disturbances in the State of Punjab. Why, then, is this article 357 resorted to? It was intended under article 357 of the Constitution that when there is a state of emergency, law making power may be delegated to the President, and the President also may in his discretion delegate the power to the Governor or to any other person. I would pointedly refer to the words of article 357 which lay down that this power could be delegated by the President not only to the Governor, but to any other authority. What was the real implication of these words? The implication was that there might exist certain circumstances or exigency when it may be necessary for the President not only to delegate the legislative power to the Governor, but any other subordinate authority, even: maybe even a district magistrate of a district. Therefore, I submit that it should be clear to everybody that according to the spirit of the Constitution, this article 357 was to be resorted to under very exceptional circumstances, under a grave emergency, when Parliament could not be in session, to enact laws, when day-to-day legislation may be necessary, when even the President may not be on the spot to enact the necessary legislation, when even the Governor may not be on the spot at any particular place to enact the necessary legislation and when the particular person or authority may even be the military authority, perhaps may even be the Commander in any particular city. In the case of an emergency, it may be necessary for him to enact certain laws in order to maintain law and order and to carry on the administration of the country. Therefore, I submit that

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we should not resort to article 357 under the present circumstances. I submit that the reasons which have been given in the Statement of Objects and Reasons are not sufficient to induce us to pass the legislation in the present form. It is said that Parliament may not have time enough. It may be so possibly sometimes when Parliament is not sitting. But so long as Parliament is sitting, and we are functioning, why should it be said that it should not be possible for us to enact the necessary legislation? I submit, therefore, that if this Bill is at all to be enacted, it must be suitably amended. At least it must be specifically provided here that so long as Parliament is sitting—I do not say in session, because there is a difference between Parliament being in session and Parliament sitting—this authority should not be exercisable by the President. Up to the last day of the present sitting of Parliament, if any law has to be enacted, it must be enacted by this Parliament. When the present sitting is over, even though the session may continue, it would not be open to the President to enact any Ordinances. Then we may authorise the President to enact necessary legislation if he considered it of an emergent nature.

This State of Punjab is intended to be reduced not only to the status of a Part C State but to an even much lower level. In the case of the Part C States we enact the necessary legislations. But here we are called upon to divest ourselves of all our authority to legislate, and it is only the President or the Governor or anybody whom the President may authorise who can enact a legislation. This is something extremely unfair.

There is one point in this connection to which I would like to invite pointed attention. Here we not only delegate our powers to the President, but further we say the President can delegate the powers to the Governor or anybody. So far as the President is concerned, he is responsible to the Central Government. He acts under the advice of the Central Government. But so far as the Governor is concerned, to whom is he responsible? There is no Legislature there and there is nothing in the provisions which lays down that the Governor will act according to the advice of the Central Government. It may be said that we must not conceive of the possibility of the Governor doing anything except in consultation with the President. May be so. But when we are enacting a legislation we must be sure about these things and we should never enact our legislation in a loose manner.

Mr. Chairman: May I know whether the hon. Member proposes to finish soon?

Shri J. R. Kapoor: I will take a little more time—one or two more minutes.

Mr. Chairman: It depends on the hon. Member to continue or to close his speech now.

Shri J. R. Kapoor: I will continue it.

The House then adjourned till Half Past Eight of the Clock on Thursday the 16th August, 1951.
