

Friday, 31st August, 1951



# PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

---

VOLUME IX, 1951

(7th August to 21st September, 1951)

---

Fourth Session

of the

PARLIAMENT OF INDIA

1951

## CONTENTS

*Volume IX—From 7th August to 21st September, 1951.*

	<i>Columns</i>
<b>Tuesday, 7th August, 1951—</b>	
Member Sworn . . . . .	1
Oral Answers to Questions . . . . .	1—27
Written Answers to Questions . . . . .	27—46
<b>Wednesday, 8th August, 1951—</b>	
Oral Answers to Questions . . . . .	47—73
Written Answers to Questions . . . . .	73—92
<b>Thursday, 9th August, 1951—</b>	
Oral Answers to Questions . . . . .	93—125
Written Answers to Questions . . . . .	125—154
<b>Friday, 10th August, 1951—</b>	
Oral Answers to Questions . . . . .	155—183
Written Answers to Questions . . . . .	183—206
<b>Monday, 13th August, 1951—</b>	
Oral Answers to Questions . . . . .	207—235
Written Answers to Questions . . . . .	235—258
<b>Tuesday, 14th August, 1951—</b>	
Oral Answers to Questions . . . . .	259—293
Written Answers to Questions . . . . .	293—308
<b>Thursday, 16th August, 1951—</b>	
Oral Answers to Questions . . . . .	309—338
Written Answers to Questions . . . . .	338—342
<b>Friday, 17th August, 1951—</b>	
Oral Answers to Questions . . . . .	343—372
Written Answers to Questions . . . . .	372—398
<b>Saturday, 18th August, 1951—</b>	
Oral Answers to Questions . . . . .	399—420
Written Answers to Questions . . . . .	420—428
<b>Monday, 20th August, 1951—</b>	
Oral Answers to Questions . . . . .	429—457
Written Answers to Questions . . . . .	457—472
<b>Tuesday, 21st August, 1951—</b>	
Oral Answers to Questions . . . . .	473—503
Written Answers to Questions . . . . .	503—518
<b>Wednesday, 22nd August, 1951—</b>	
Oral Answers to Questions . . . . .	519—545
Written Answers to Questions . . . . .	545—566
<b>Thursday, 23rd August, 1951—</b>	
Oral Answers to Questions . . . . .	567—595
Written Answers to Questions . . . . .	595—612
<b>Saturday, 25th August, 1951—</b>	
Oral Answers to Questions . . . . .	613—641
Written Answers to Questions . . . . .	641—652

<b>Monday, 27th August, 1951—</b>		
Oral Answers to Questions . . . . .		653—684
Written Answers to Questions . . . . .		684—702
<b>Tuesday, 28th August, 1951—</b>		
Oral Answers to Questions . . . . .		703—734
Written Answers to Questions . . . . .		734—742
<b>Wednesday, 29th August, 1951—</b>		
Oral Answers to Questions . . . . .		743—774
Written Answers to Questions . . . . .		775—786
<b>Thursday, 30th August, 1951—</b>		
Oral Answers to Questions . . . . .		787—818
Written Answers to Questions . . . . .		818—830
<b>Friday, 31st August, 1951—</b>		
Oral Answers to Questions . . . . .		831—870
Written Answers to Questions . . . . .		870—876
<b>Monday, 3rd September, 1951—</b>		
Oral Answers to Questions . . . . .		877—909
Written Answers to Questions . . . . .		909—932
<b>Tuesday, 4th September, 1951—</b>		
Oral Answers to Questions . . . . .		933—967
Written Answers to Questions . . . . .		967—986
<b>Wednesday, 5th September, 1951—</b>		
Oral Answers to Questions . . . . .		987—1014
Written Answers to Questions . . . . .		1014—1036
<b>Thursday, 6th September, 1951—</b>		
Oral Answers to Questions . . . . .		1037—1065
Written Answers to Questions . . . . .		1065—1074
<b>Friday, 7th September, 1951—</b>		
Oral Answers to Questions . . . . .		1075—1104
Written Answers to Questions . . . . .		1104—1120
<b>Monday, 10th September, 1951—</b>		
Oral Answers to Questions . . . . .		1121—1154
Written Answers to Questions . . . . .		1154—1164
<b>Tuesday, 11th September, 1951—</b>		
Oral Answers to Questions . . . . .		1165—1201
Written Answers to Questions . . . . .		1201—1208
<b>Wednesday, 12th September, 1951—</b>		
Oral Answers to Questions . . . . .		1209—1256
Written Answers to Questions . . . . .		1256—1274
<b>Friday, 14th September, 1951—</b>		
Oral Answers to Questions . . . . .		1275—1309
Written Answers to Questions . . . . .		1309—1324
<b>Saturday, 15th September, 1951—</b>		
Oral Answers to Questions . . . . .		1325—1355
Written Answers to Questions . . . . .		1356—1364

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

831

**PARLIAMENT OF INDIA**

*Friday, 31st August, 1951.*

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

[MR. DEPUTY-SPEAKER in the Chair]

**ORAL ANSWERS TO QUESTIONS**

**CONTRIBUTION TO U.N.O.**

**\*673. Shri Sidhva:** Will the Prime Minister be pleased to state:

(a) how much, out of the Rs. 74 lakhs contribution paid during 1950-51 to the United Nations inclusive of the cost of delegations, is contribution to the United Nations Organisation and how much is towards the cost of delegations; and

(b) whether the cost of delegations was in respect of the permanent representative of India only or in respect of others also?

The Deputy Minister of External Affairs (Dr. Keskar): (a) The actual expenditure on contributions to the United Nations during 1950-51, inclusive of the expenditure on Indian Delegations to the various organisations of the United Nations and other International Conferences, was Rs. 76,12,600, spent as follows:

(1) Contribution to the U. N. O. for the year 1950, Rs. 48,69,000.

(2) Contribution towards Technical Assistance, Rs. 11,90,500.

(3) Delegations to United Nations, Rs. 5,50,000.

(4) Supply of Jute bags to the United Nations, Rs. 8,00,000.

(5) First instalment of contribution to the United Nations Organisation for 1951, Rs. 2,03,100

Total Rs. 76,12,600.

238 PSD

832

(b) The cost of delegations does not include the expenditure on the permanent Representative of India but represents the expenditure on the delegations sponsored by the Government of India to various International bodies.

**Shri Sidhva:** What is this contribution of Rs. 2 lakhs to the U.N.O. for and also the amount of Rs. 8 lakhs on account of jute bags?

**Dr. Keskar:** The Rs. 2 lakhs is the first instalment of our contribution for 1951, namely Rs. 48,69,000, which we have to pay every year. This sum is the first instalment, for we do not pay it all in a lumpsum. As regards the question of jute bags information was laid on the Table of the House previously. When the Korean war was proceeding at the beginning the U.N.O. were in very great need of sending as an emergency measure a large supply of rice to Korea where the people were starving and India gave jute bags worth Rs. 8 lakhs as their contribution.

**Shri Sidhva:** I have not followed the answer quite correctly. Do I understand that the amount of Rs. 2 lakhs was paid towards the annual contribution of Rs. 48 lakhs and was it a monthly instalment?

**Dr. Keskar:** We have the option of paying it in instalments according to our convenience. The instalments are not fixed by the U.N.O. but they are according to our convenience.

सेठ गोविन्द दास: सन् १९४९-५०  
में इस सम्बन्ध में कितना खर्च हुआ या ?  
सन् १९५०-५१ में तो ७६ लाख हुआ,  
१९४९-५० में कितना हुआ ?

[Seth Govind Das: What was the expenditure incurred in this connection during 1949-50 as compared to Rs. 76 lakhs spent during 1950-51?



**डा० केशकर :** इस के लिये तो मुझे नोटिस चाहिये कि कुल खर्च कितना हुआ था। लेकिन युनाइटेड नेशन्स का जो एन्युअल कन्ट्रीब्यूशन है वह करीब करीब वही है जो कि सन् १९५० का है।

[**Dr. Keskar :** I would require notice in regard to the total amount of expenditure. But the annual contribution to the United Nations is almost the same as that of 1950.]

**सेठ गोविन्द दास :** जो हमारे वहां परमानेंट रिप्रेजेंटेटिव वहां रहते हैं उन पर कितना खर्च होता है ?

[**Seth Govind Das :** What is the amount of expenditure incurred on our permanent representative there?]

**डा० केशकर :** इस के लिये भी मुझे नोटिस चाहिये। लेकिन हमारे एक्सटर्नल अफेयर्स के बजट में जो खर्च रखा जाता है उस में जैसे दूसरे डिप्लोमैटिक मिशन है और उन पर जैसा खर्च है उसी स्टैंडर्ड का यहां भी रखा जाता है।

[**Dr. Keskar :** For that too I require notice. But in the expenditure which is sanctioned in our External Affairs Budget, expenditure under this head is treated on the same standard as that on other Diplomatic Missions.]

**Shri Rathnaswamy :** What are the various delegations that we sent to the U.N.O. during the last 12 months?

**Dr. Keskar :** I require notice. I may however inform my hon. friend that this information was supplied in detail in answer to a question during the last session.

**Pandit Munishwar Datt Upadhyay :** Is there any fixed annual contribution by India to U.N.O.? If so, why was not this 8 lakhs claimed as a set-off against that?

**Mr. Deputy-Speaker :** He has already answered that this 8 lakhs was independently meant for Korea.

**Pandit Munishwar Datt Upadhyay :** If the amount of our contribution was fixed why was not this 8 lakhs demanded as a set-off against that?

**Dr. Keskar :** This has nothing to do with the Rs. 48 lakhs which is our contribution.

#### BUILDING FOR DEFENCE HEADQUARTERS

\*674. **Shri Sidhva :** Will the Minister of Works, Production and Supply be pleased to refer to my unstarred question No. 431, asked on 7th June, 1951 and state whether the scheme for constructing a separate building for the Defence Headquarters has been placed before the Standing Committee of Parliament for the Ministry of Works, Production and Supply and the Standing Finance Committee and if so, what their recommendations are and whether the scheme has since been sanctioned?

**The Deputy Minister of Works, Production and Supply (Shri Buragohain) :** No, Sir. The scheme is still in its initial stages.

**Shri Sidhva :** What is meant by initial stage? Has the area been surveyed and cleared of jungles?

**The Minister of Works, Production and Supply (Shri Gadgil) :** The initial stage is this. Some provision has been made in the present year's budget but it has to be taken up with the Defence Ministry and the matter is still under discussion. The first stage will be the clearing of the jungle.

**Shri Sidhva :** Am I to understand that the Government as a whole has decided to shift the Defence Ministry from the South Block?

**Shri Gadgil :** The decision was taken early in 1947 with a view to have a compact accommodation for all the three wings of the defence services. The scheme would cost about 2½ crores. So we want to spread it over and we are just thinking by what stages it can be done.

**सेठ गोविन्द दास :** यह जो ढाई या तीन करोड़ रुपया इस सम्बन्ध में खर्च किया जा रहा है तो क्या बिना इस को खर्च किये ही जहां यह महकमा है वहां काम नहीं चल सकता था ?

[**Seth Govind Das :** Is it not possible to run the department in its present premises without having to incur the proposed extra expenditure of 2½ or 3 crores of rupees?]

**श्री गाडगिल :** बात यह है कि जब जंग था उस वक़्त यह अनुभव हुआ कि जगह जगह डिफेंस के आफिसेज होने से कुछ काम अच्छा नहीं होता। उस वक़्त मार्च सन् ४७ में यह तय हुआ कि इस महकमे के सब दफ़्तर

एक जगह में लाये जायं और यह डिस्मिशन ले लिया कि इस के लिये ढाई करोड़ खर्च कर के एक बिल्डिंग बनाई जाय। अभी कुछ खर्च नहीं हुआ है, अभी सोच रहे हैं।

[**Shri Gadgil:** The thing is that it was experienced during the war-time that the work could not go on efficiently if the Defence Offices remained scattered. It was therefore decided as far back as 1947 that all the offices of this Department should be brought together at one place and a decision was accordingly taken to construct a building at a cost of Rs. 2½ crores. However, nothing has been spent as yet; the matter is still under consideration.]

**सेठ गोविन्द दास :** तो क्या गवर्नमेंट इस वक़्त की आर्थिक स्थिति को देखते हुये यह कार्य आगे को बढ़ा सकेगी और इस सम्बन्ध में अभी कुछ नहीं खर्च किया जाय, ऐसा हो सकता है ?

[**Seth Govind Das :** In view of the present financial stringency, would the Government be able to proceed with the work and is it possible not to spend any money for the present?]

**श्री गाडगिल :** यह सब कुछ ध्यान में रखा जायगा।

[**Shri Gadgil :** All that would be kept in view.]

**Shri Sidhya :** Has it also been considered as to in what manner the present building will be utilised when it is vacated by the Defence Ministry?

**Shri Gadgil :** The present need for accommodation is so great that after the construction of the new building for the Defence Ministry, no accommodation will be spare and we will still be short of accommodation by about 2 lakh square feet.

#### INDO-PAKISTAN AGREEMENT OF 8TH APRIL, 1950

\*678. **Shri Jnani Ram :** Will the Prime Minister be pleased to state:

(a) the terms of the Indo-Pakistan Agreement of the 8th April, 1950, which have not been taken up or are not being carried out by Pakistan; and

(b) the reasons for the same given by Pakistan?

**The Prime Minister (Shri Jawaharlal Nehru) :** (a) and (b). It would

not be correct to single out any particular clauses of the Agreement and say that they have not been carried out, though, generally speaking, much still remains to be done in East Bengal, under the Agreement, in order that its purpose may be fulfilled. The Agreement led to a remarkable change in the then existing tension and brought relief to large numbers of people. Considerable numbers of migrants returned to their original homes. But normal conditions were not restored. The two Central Ministers keep a close watch over the working of the Agreement with a view to ensuring its implementation as a whole.

**Shri Jnani Ram :** Is it a fact that some of the roads have been closed for the refugees going back to East Pakistan?

**Shri Jawaharlal Nehru :** I do not quite know. Most of these migrants do not come by road but by train and the railway has not been closed. It is possible that some roads might not be open to traffic as they were previously.

**Shri A. C. Guha :** In how many cases have the Government of India protested to the Pakistan Government about the violation on their part of the terms of the agreement and what were the grounds on which the protests were made?

**Shri Jawaharlal Nehru :** I am sorry I cannot suddenly produce the number.

**Shri A. C. Guha :** I am not particular about the number but I would like to know the grounds on which the agreement was said to have been violated.

**Shri Jawaharlal Nehru :** There are any number of grounds, I suppose. They vary. There is no single major ground on which we can say that this is a major violation. I cannot off-hand give an accurate answer to the hon. Member.

**Shri A. C. Guha :** Has there been any protest by the Government of India that the condition of minorities in East Bengal has not improved as was expected under the Agreement?

**Shri Jawaharlal Nehru :** Yes, repeatedly we have pointed out that the conditions have not improved, or that things are happening which should not happen. I might inform the hon. Member that as for protests, the protests from the Government of India to Pakistan as well as the protests from the Government of Pakistan to India on the violation of agreements are very large indeed on both sides.

Practically every speech that is delivered by the leader of the Hindu Mahasabha leads to a protest of violation of agreement from Pakistan, and many speeches and other activities on the Pakistan side lead to protest from his side.

**Shri Chattopadhyay:** Is it a fact that our Minorities Minister has not been able to visit Eastern Pakistan for the last two or three months due to strained relations between India and Pakistan?

**Shri Jawaharlal Nehru:** I don't think that is quite a fact. I think it is true that he has not visited Pakistan for two or three months, but the reasons for that, partly at least, I think, have nothing to do with Pakistan but are rather domestic to our Minister—partly it may be due to other causes. In fact, if I may say so, I put this question myself to the Minister and he said that partly due to, you may call it strained relationship or the fact that people were busy otherwise, a meeting could not be arranged; there were partly other causes also.

**Shri A. C. Guha:** Is it true that the monthly secretariat level conferences of the three Chief Secretaries of West Bengal, Assam and Tripura, and of East Pakistan, have not taken place for the last two months?

**Shri Jawaharlal Nehru:** That was what I meant in my reply to the last question.

**Shri A. C. Guha:** I am referring to the conference of Secretaries.

**Mr. Deputy-Speaker:** The hon. Minister says that is the reason for both.

**सेठ गोविन्द दास:** इस सम्बन्ध में जब जब भारतीय सरकार पाकिस्तान को कोई प्रोटैस्ट भेजती है या लिखती है तो उस का प्रायः जवाब आता है या ज्यादातर पाकिस्तान चुप रहता है और हम को कोई जवाब नहीं मिलता ।

[**Seth Govind Das:** Whenever the Government of India sends a protest to Pakistan in this connection, or writes to them, do they receive a reply generally, as does Pakistan mostly maintain silence and no reply comes to us?]

**श्री जवाहर लाल नेहरू:** आम तौर से जवाब आते हैं ।

[**Shri Jawaharlal Nehru:** Usually replies are received.]

#### CLAIMS FOR COMPENSATION AGAINST GOVERNMENT COLLIERIES

\*479. **Shri Jnani Ram:** Will the Minister of Labour be pleased to state:

(a) the number of pending cases of claims for compensation against Government collieries and the number disposed of in the years 1950 and 1951: and

(b) the amount paid in the years 1950 and 1951?

**The Minister of Labour (Shri Jagjivan Ram):** (a) and (b). A statement giving the information required is placed on the Table. [See Appendix V, annexure No. 1.]

**Shri Jnani Ram:** May I know if compensation has already been paid in the cases already decided?

**Shri Jagjivan Ram:** Yes, of course.

#### EXPORT AND IMPORT POLICY

\*681. **Dr. Ram Subhag Singh:** Will the Minister of Commerce and Industry be pleased to state whether it is a fact that exports of essential articles such as cotton textiles, oils and oilseeds have been restricted for the period July—December, 1951?

**The Minister of Commerce and Industry (Shri Mahtab):** The answer is in the affirmative.

**Dr. Ram Subhag Singh:** What is the object of restricting the import of these goods?

**Shri Mahtab:** There are various objects: to bring down the prices of these essential commodities internally, and also to disable these commodities from competing with food crops—these are the main objects.

**Dr. Ram Subhag Singh:** May I know whether any of these objects has been fulfilled?

**Shri Mahtab:** I think the prices have been considerably brought down, and if this goes on; these commodities will not be in a position to compete with food crops.

**Dr. Ram Subhag Singh:** Do Government contemplate to liberalise the import of scarce materials with a similar object in view?

**Shri Mahtab:** These essential goods mostly are agricultural products; they have no comparison with imports.

**Shri R. Velayudhan:** May I know whether it is because of the scarcity of oil and oilseeds for home consumption that the export is restricted?

**Shri Mahtab:** When I said it is to bring down the prices this also is implied in that; because the thing is scarce, therefore, the price has gone up.

**Shri A. C. Guha:** Is it true that recently some cotton mills have been allowed to export 25 per cent. of their production instead of 10 per cent. which was allowed previously?

**Shri Mahtab:** 10 per cent. of the coarse and medium, and 15 per cent. of the fine and superfine, that is within the target fixed, namely 844 million yards.

#### BANK EMPLOYEES

**\*682. Pandit Munishwar Datt Upadhyay:** Will the Minister of Labour be pleased to state:

(a) the rate of dearness allowance paid to the Bank employees at present;

(b) when and on what principle the rate of dearness allowance was fixed; and

(c) what is the present demand of the Bank employees and how it differs from the Tribunal's award?

**The Minister of Labour (Shri Jagjivan Ram):** (a) and (b). It is believed that the large majority of 'A' and 'B' class Banks had implemented the provisions of the award of the All India Industrial Tribunal. As a result of the Industrial Disputes (Amendment and Temporary Provisions) Act, 1951 they are required to pay at the same rates (without any further increase) pending adjudication. It is not known what proportion of the 'C' class banks had implemented the award before it was set aside or at what rates dearness allowance is paid by them. According to the award of the All India Industrial Tribunal (Bank Disputes) constituted by Government in June 1949, dearness allowance was to be paid to employees of banks on a slab system i.e. at a certain percentage of pay on every rise of 10 points in the cost of living index figure above the level of 1944 (indices being converted to the base 1944=100).

(c) The demand of the All India Bank Employees' Association is that pending settlement of the dispute, dearness allowance should be adjusted in accordance with the cost of living index number as provided in the award of the All India Industrial Tribunal. There is no provision for such adjustment in the Industrial Disputes (Amendment and Temporary Provisions) Act, 1951.

**Pandit Munishwar Datt Upadhyay:** May I know how the rate of dearness allowance of bank employees compares with the rate given to Government servants?

**Shri Jagjivan Ram:** I would refer my hon. friend to the award of the Industrial Tribunal. However, I may inform him that it goes like this:

On every rise of 10 points in the cost of living index figure above the level of 1944, calculated to the nearest eight annas, and the index being converted to the base 1944=100.

Up to a rise of 50 points, 9½ per cent.

Thereafter up to 100 points, 8½ per cent.

Thereafter up to 150 points, 7½ per cent.

Thereafter up to 200 points, 6½ per cent.

Thereafter 5 per cent.

**Shri Jnani Ram:** May I know how many times the rates of dearness allowance have been revised since the war?

**Shri Jagjivan Ram:** How does it arise out of this, Sir?

**Shri Sidhva:** The Tribunal's award has curtailed the working hours of banks on Saturday with the result that the public can transact business or cash cheques only for half an hour. May I know whether the hon. Finance Minister has drawn the attention of the hon. Labour Minister asking whether that is a just claim, and, if so, whether he has considered it and what is his view about it?

**Shri Jagjivan Ram:** The whole thing was discussed when the Industrial Disputes (Amendment and Temporary Provisions) Bill was being discussed in the House. I am afraid I cannot give any additional information on the point.

#### ANTI-INDIAN PROPAGANDA IN U.S.A. BY PAKISTANI STUDENTS

**\*683. Shri A. C. Guha:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that some Pakistani citizens who have gone to the U.S.A. with the U.S.A. scholarship under the Fulbright Scheme, have been carrying on anti-Indian propaganda there; and

(b) if so, whether Government have brought this to the notice of the U.S.A. Government?

**The Prime Minister (Shri Jawaharlal Nehru):** (a) We have received reports of such activity by one person.

(b) We have conveyed informally to the American Embassy our regret that an educational and cultural scheme should be used by any beneficiary of it for political propaganda. Government do not consider it desirable or necessary to take any formal action in the matter.

**Shri A. C. Guha:** Have Government received any reply from the U.S. Government?

**Shri Jawaharlal Nehru:** As far as I remember, there was a reply. The enquiry was informal and the reply was also informal. It was more or less to the effect that the U. S. Government did not wish to encourage any kind of propaganda, but they could not interfere with individual freedom of expression.

**Shri A. C. Guha:** Has it been suggested to them that if any of the beneficiaries violate the terms of the scholarship the scholarship may be stopped?

**Shri Jawaharlal Nehru:** There is no question of terms of scholarship. There are no terms in regard to this. Of course, it was not even thought of. So, there is no question of breach of the terms. Secondly, it is not for us to ask the U. S. Government to put an end to a scholarship to some Pakistani.

**Shri Ghule:** Then what was the object of drawing the attention of the U. S. Government to this fact?

**Shri Jawaharlal Nehru:** I might inform the House that we informed the U. S. Government that if this kind of thing went on we will not participate in that scheme.

**Shri T. N. Singh:** Is there anything like a tacit convention that nationals of other countries who go on such educational schemes to U.S.A. should not participate in political propaganda against another country?

**Shri Jawaharlal Nehru:** There are many conventions based on normal decency. In fact, there is also a convention that the nationals of one's country do not carry on propaganda against one's own country, but I regret to say that even that convention is not observed by some nationals of this country.

**Dr. Ram Subhag Singh:** What is the reason for Indian nationals violating this convention? Why do they do propaganda against their own country?

**Shri A. C. Guha:** Does the hon. Minister mean inside the country or outside the country?

**Shri Kamath:** With regard to the statement made by the Prime Minister just now that nationals of our country are carrying on propaganda, does he mean that they are carrying on propaganda against the country or the Government of the country?

**Shri Jawaharlal Nehru:** Naturally, it cannot be against the country. In rare cases it is against the country; mostly, it is against the Government. It is very difficult to draw the line and the House will hardly expect me to go into this matter.

**Shri Karunakara Menon:** Will Government send a copy of the questions and answers that have taken place in this House to the U. S. Government in order to make them understand the dissatisfaction that prevails over this matter?

**Shri Jawaharlal Nehru:** No, Sir. We will not do that. I am quite sure they read these questions and answers.

#### EXPORT OF CHILLIES

\*684. **Shri S. N. Das:** (a) Will the Minister of Commerce and Industry be pleased to state what is the quota fixed for the export of chillies for the current year?

(b) What is the total quantity for which licences have already been granted?

(c) What is the total quantity of chillies already exported?

(d) To which countries are chillies going to be exported?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) The quota for the export of chillies for the current year is 5,750 tons.

(b) Licences for the export of 1846 tons of chillies have already been granted.

(c) 1784 tons of chillies have already been exported.

(d) There is no destination control over the export of chillies. They are, however, mainly exported to Ceylon.

**Shri S. N. Das:** Since the restriction was first imposed, has there been any relaxation in the restriction on export of chillies?

**Shri Mahtab:** There has been no relaxation.

**Shri S. N. Das:** Is it a fact that since the restriction was imposed on the export of chillies, the chillies trade has passed into the hands of Pakistan?

**Shri Mahtab:** From the figures, I do not think the suggestion is quite correct. In 1948-49 the export was 5011 tons; in 1949-50 it was 8324 tons and this year the target has been increased. From this it does not appear that we are losing the market.

**Shri A. Joseph:** Which are the States that export large quantities of chillies?

**Shri Mahtab:** Madras, Bihar and Bombay.

**Shri A. Joseph:** Is there a ban on inter-State movement of chillies?

**Shri Mahtab:** It does not arise out of this question.

**Shri Karunakara Menon:** Which countries import our chillies?

**Shri Mahtab:** Ceylon is the main market.

**Shri S. N. Das:** Since the imposition of the restriction, has the chillies price gone down?

**Shri Mahtab:** As a matter of fact, there has been neither relaxation nor more restriction. The thing is going on as usual. Of course, the price has gone down by rupees ten.

**Dr. Deshmukh:** Has the hon. Minister any idea of the profits which the permit-holders make in exporting chillies?

**Shri Mahtab:** I have no idea.

**Shri S. N. Das:** How many licensees are there for export of chillies?

**Shri Mahtab:** I have not got the figure here.

#### EVACUEE PROPERTIES (ATTACHMENT AND SALE)

\*685. **Sardar Hukam Singh:** Will the Minister of Rehabilitation be pleased to state:

(a) whether it was agreed that Evacuee Properties in India and Pakistan would not be subject to attachment and sale in execution of decrees of courts;

(b) whether the Government of India have received any complaints about the attachment and sale of any properties in Pakistan left by evacuees; and

(c) whether any protests have been made to the Government of Pakistan against such breaches?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) There is no specific agreement on the subject, but there is a mutual understanding between the two Countries to preserve evacuee property in pursuance of which provision to that effect has been made in the Evacuee Property Law of both Countries.

(b) No.

(c) Does not arise.

**Sardar Hukam Singh:** Have Government received information that some Indians have gone to Pakistan and proceeded there in the courts in order to secure decrees against Indians residing in India so that they can proceed against the property left in Pakistan?

**Shri A. P. Jain:** We have received no such information.

#### STEEL (IMPORT)

\*686. **Dr. Ram Subhag Singh:** Will the Minister of Commerce and Industry be pleased to state whether steel import is made solely on Government account or that of private firms and whether individuals are also allowed to make imports?

**The Minister of Commerce and Industry (Shri Mahtab):** Steel is imported on Government account only against the specific requirements of Government Departments. All other imports are made by private parties.

**Dr. Ram Subhag Singh:** What was the quantity of steel imported last year (a) on Government account and (b) private account by firms and individuals?

**Shri Mahtab:** I suppose the hon. Member wants figures for this year. I shall not give the figures separately for soft currency and hard currency countries, but I shall give the total figures. During January-June commercial imports were 98,462 tons and Government imports 8,737 tons.

**Shri Jnani Ram:** Has any target been fixed for import of steel this year?

**Shri Mahtab:** Whatever be the target, the question is that steel is not available. Although licences have been issued to the extent of about 2,67,720 tons, the actual import has been only 98,460 tons, i.e. only 45 per cent. of the licences has materialised.

#### CLOTH RETAILERS IN DELHI

\*687. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Commerce and Industry be pleased to state what is the total number of cloth retailers in Delhi?

(b) How many of them are displaced persons and how many other than displaced persons?

(c) How is the quantity of cloth available for sale distributed to the fair price shops and retailers?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) There are 2630 licensed cloth retailers in Delhi State.

(b) There are 1434 displaced licensees and 1196 other than displaced licensees.

(c) Quota cloth is distributed to fair price shops only. About 60 of the fair price shops have been allotted to the general body of retailers in a group system, profits of which are expected to be shared by 500 to 600 retailers. Other retailers are permitted to trade in free sale cloth the supply of which is about 100 to 1,500 bales per month. The State Government also propose to issue to the general body of retailers cloth not lifted by the fair price shops.

**Pandit Munishwar Datt Upadhyay:** May I know what was the number of fair price shops at the beginning of the year and what is the number now?

**Shri Mahtab:** There has been an increase, but I am sorry the figures are not available.

**Shri R. Velayudhan:** May I know, Sir, whether Government have received any complaints regarding the group system as well as the compulsion on the refugee dealers that they should come into a single association and then only cloth will be distributed to them?

**Shri Mahtab:** No complaints have been received from the consumers. Complaints, however, have been received from some shop-keepers who, according to them, have been deprived of their means of livelihood and that is under consideration.

**Sardar Hukam Singh:** Is the Government aware that people have to queue themselves at these fair price shops from dawn and wait for eight or nine hours to get their quota? Do Government propose to increase the number of these fair price shops?

**Shri Mahtab:** The hon. Member is referring to what was happening about one month back. Today there is no queue anywhere at these shops.

**Shri Deshbandhu Gupta:** May I know, Sir, whether it is a fact that there are more than one thousand retailers in Delhi who do not get any cloth for distribution?

**Shri Mahtab:** That may be a fact. I do not know the exact number. Complaints have been received by me that there are many shop-keepers who, it is said, were in the business have been deprived of their business, because of the opening of fair price shops. This matter is under consideration.

**Shri Deshbandhu Gupta:** May I know whether it is a fact that recently Government have opened thirty-five fair price shops on a cooperative basis, in which more than one thousand retailers have been left out of consideration.

**Shri Mahtab:** As I have said this complaint is being examined.

**Shri Chattopadhyay:** May I know what fee is charged in Delhi for a retailer's licence? Is the fee uniform in all the States?

**Shri Mahtab:** I want notice of that question.

#### SULPHUR COMMITTEE

\*690. **Shri S. N. Das:** (a) Will the Minister of Commerce and Industry be pleased to state whether it is a fact that India has accepted to be a Member of the Sulphur Committee as invited by the International Materials Conference?

(b) Does the acceptance of this throw any obligations on India and if so, what are they?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) Yes, Sir.

(b) As a member of the Sulphur Committee, India's obligations would be to comply with the recommendations of the Committee, particularly in regard to conservation of supplies and ensuring the most effective distribution and utilisation of sulphur. No other obligations are involved.

**Shri S. N. Das:** May I know, Sir, whether India participated in the International Materials Conference?

**Shri Mahtab:** India participated and India is a member of a number of Commodity Groups.

**Shri S. N. Das:** May I know, Sir, what are the functions of this Sulphur Committee?

**Shri Mahtab:** The Committee takes into account the total supply of sulphur and makes a fair distribution of it to the member countries.

**Shri T. N. Singh:** Is the hon. Minister aware of the fact that in Britain due to recent researches it has been

possible to avoid the use of sulphur and sulphur compounds in a number of industries, thus resulting in economy. May I know whether membership of this committee will enable India to take advantage of those researches and enforce economy here?

**Shri Mahtab:** This Committee has nothing to do with researches or finding out alternative to sulphur. This is only for the purpose of fair distribution of sulphur among member countries.

**Shri T. N. Singh:** The hon. Minister stated that one of the obligations of this committee was the conservation of sulphur resources. May I know whether they will benefit by whatever is done by other countries in regard to knowledge about conservation of sulphur.

**Mr. Deputy-Speaker:** That is an argument.

**Shri A. C. Guha:** The hon. Minister stated that one of the functions of this committee is the allocation of sulphur to different countries. May I know what allocation has been made to India?

**Shri Mahtab:** Our requirement is 15,000 tons of crude sulphur and 500 tons of refined sulphur per quarter. We have received from the U.S.A. an allocation of 8,000 tons in the first quarter and 14,000 tons in the second quarter. We received nothing in the third quarter. During the fourth quarter we expect to receive 11,000 tons of crude sulphur from U.S.A. and 400 tons of refined sulphur from other sources.

These are the allocations which have been made up till now.

**Shri A. C. Guha:** Have the Government made any further representations to get greater allocation to make up the deficiency?

**Shri Mahtab:** Since India is a member country we are pressing them to give us as much as they can possibly do.

**Shri R. Velayudhan:** May I know whether any effort is made to manufacture sulphur in India itself?

**Shri Mahtab:** Some proposals are under consideration.

**Dr. Deshmukh:** What is the price per ton at which we are obtaining sulphur?

**Shri Mahtab:** I am sorry that information is not available.

#### INFORMATION SERVICES

\*693. **Shri Raj Kanwar:** Will the Prime Minister be pleased to state:

(a) whether any news or information services more or less on the lines of the United States Information Service and the British Information Service functioning in India exist under the auspices of the Ministry of External Affairs in any foreign countries;

(b) if so, in which countries; and

(c) what is their personnel and the cost involved?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) We have Information Services in a few foreign countries. But the scope of their activity is greatly limited, owing to financial and other considerations, and cannot be compared to the wide range of activities of the United States Information Services or the British Information Service.

(b) and (c). Two statements are laid on the Table of the House. [See Appendix V, annexure No. 2.]

**Shri Raj Kanwar:** From the statement, a copy of which has been placed on the Table, it appears that we have posted members of the Indian Information Services in as many as 21 countries. Among the countries included in the list are Burma and the French Possessions in India, but the names of Ceylon and the Portuguese Possessions in India are not included. May I know whether there is any special reason for the omission of the latter?

**Dr. Keskar:** If the hon. Member had listened to my reply the number of countries where our information services staff have to be posted has to be limited on account of financial considerations. With paucity of funds we have to decide on priorities and of places which we consider more important and more urgent. That is the only reason.

**Shri Raj Kanwar:** Is there any proposal for the inclusion of these names in due course?

**Dr. Keskar:** We would like to have information stations in every country of the world.

**Shri Raj Kanwar:** Sir, the statement shows that in Burma there is one gazetted officer, 11 non-gazetted officers and 11 members of class IV, whereas in other cases, I find from the statement, that four or five and in one case 8 members of the non-gazetted



staff are posted. The number of countries, as I said is 21. So far as class IV officials are concerned.....

**Mr. Deputy-Speaker:** Are we having a general discussion on this? What is the question of the hon. Member?

**Shri Raj Kanwar:** My question is whether there is any scope for curtailment of non-gazetted staff and class IV staff in Burma, where the number is very large.

**Dr. Keskar:** It is not possible to say whether in a particular place the menial staff or the peons can be reduced or not. Government is generally following a policy of carrying on as economically as possible and I do not think that it is possible for me to reply off-hand whether in a particular station, one peon can be retrenched or not. It is always gone into periodically whether we should carry on with the staff, or reduce or increase it.

**Shri Shiva Rao:** In view of the importance of New York both as a newspaper centre and as headquarters of the United Nations, is there any proposal before the External Affairs Ministry for establishing an Information Centre in that city?

**Dr. Keskar:** There is a proposal under consideration to establish in New York an Information set-up either as a part of the centre that is at Washington or separately.

**Shri Shiva Rao:** May I ask whether this proposal has not been before the Ministry for the last two years? Is there any intention to give fairly immediate effect to it?

**Dr. Keskar:** We will try to implement it as soon as possible.

**Shri R. Velayudhan:** Is the paucity of funds, as mentioned by the hon. Minister that is responsible for the total failure of our foreign publicity?

**Mr. Deputy-Speaker:** That is a matter of opinion.

**Shri Deshbandhu Gupta:** Will opportunity be taken to discuss this matter with our Ambassador at Washington, so that this may not be delayed further?

**Dr. Keskar:** That is obvious.

### भारतीय जो लंका के नागरिक पंजीकृत (रजिस्टर) हूये

\*६९४. **सेठ गोविन्द दास:** क्या प्रधान मंत्री यह बतलाने की कृपा करेंगे कि ५ अगस्त, १९५१ तक कितने भारतीयों ने अपने आप को लंका का नागरिक पंजीकृत कराया ?

INDIANS REGISTERED AS CEYLON  
CITIZENS

\*694. **Seth Govind Das:** Will the Prime Minister be pleased to state the number of Indians who got themselves registered as citizens of Ceylon upto the 5th August, 1951?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): 5,558.

**सेठ गोविन्द दास:** इन सज्जनों में कितने ऐसे लोग हैं कि जो वहां रोजगार करते थे और कितने ऐसे लोग हैं जो वहां नौकरी का पेशा करते ?

[Seth Govind Das: How many of these persons were in business and how many in service?]

**श्री सतीश चन्द्र:** इस तरह की कोई संख्या गवर्नमेंट के पास अभी तक नहीं है।

[Shri Satish Chandra: The Government do not have any such figures at present.]

**सेठ गोविन्द दास:** इस सम्बन्ध में क्या कोई सीलोन गवर्नमेंट का एक्जिक्यूटिव आर्डर हुआ है और के खिलाफ वहां के हाई कोर्ट ने कोई फैसला दिया है ?

[Seth Govind Das: Has in this connection any executive order been issued by the Government of Ceylon and whether a decision by the High Court there has been given to the contrary?]

**श्री सतीश चन्द्र:** किस सम्बन्ध में ?

[Shri Satish Chandra: In which connection?]

**सेठ गोविन्द दास:** वहां के भारतीयों का अपने को सीलोन का सिटिजन बनाने के सम्बन्ध में।

[Seth Govind Das: In connection with the registration of the Indians as Ceylon citizens?]

श्री सतीश चन्द्र : अब से करीब करीब दो साल पहले सन् १९४९ में एक इंडियन ऐंड पाकिस्तान रेजिडेंट्स सिटिजेनशिप ऐक्ट सीलोन में पास हुआ था जिस में दो साल का समय उन हिन्दुस्तानियों को जो सीलोन में रहते हैं दिया गया कि यदि वे चाहें तो ५ अगस्त, १९५१ तक वहां की सिटिजेनशिप ऐक्वायर करने के लिये दख्खिस्त दे सकते हैं ।

[Shri Satish Chandra: Nearly two years back, in 1949, the Indian and Pakistan Residents Citizenship Act was passed in Ceylon according to which two years' time was given to the Indians residing there to send applications for acquiring citizenship of Ceylon. Under that law they could, if they liked, make an application for acquiring citizenship rights by the 5th August, 1951.]

सेठ गोविन्द दास : इस सम्बन्ध में जो एक्जिक्यूटिव आर्डर हुआ था उस के खिलाफ वहां के हाई कोर्ट ने क्या कोई अपनी आज्ञा दी है ?

[Seth Govind Das: Has any decision been given by High Court there with respect to the executive order issued in this connection?]

श्री सतीश चन्द्र : यह एक्जिक्यूटिव आर्डर नहीं है, यह तो ऐक्ट पास हुआ था जिस के मुताबिक कार्रवाई हो रही है और इस पर अभी भी सीलोन गवर्नमेंट कायम है ।

[Shri Satish Chandra: This is not an executive order; it was an Act passed which is being enforced and the Ceylon Government are still firm on it.]

सेठ गोविन्द दास : मैं पूछ रहा हूँ कि वह ऐक्ट हो या एक्जिक्यूटिव आर्डर, उस के खिलाफ कोई आज्ञा सीलोन हाई कोर्ट ने दी है ?

[Seth Govind Das: Be that an Act or an executive order what I was asking is whether the Ceylon High Court has given any decision against it?]

प्रधान मंत्री (श्री जवाहर लाल नेहरू) : जी हां, कुछ राय जाहिर किया था जो कि सीलोन गवर्नमेंट के फ़ैसले के खिलाफ था ।

[The Prime Minister (Shri Jawaharlal Nehru): Yes, it did express an opinion which went against the decision of the Ceylon Government.]

श्री Rathnaswamy: Is it a fact that the shortage of forms at the Commissioner's office was one of the reasons for the failure of a number of Indians to register themselves as Ceylon citizens?

श्री सतीश चन्द्र : जहां तक गवर्नमेंट को मालूम है, इस तरह की कोई शिकायत अभी तक नहीं आई है ।

[Shri Satish Chandra: So far as the Government are aware, no such complaint has been received.]

श्री Rathnaswamy: May I request him to give the answer in English?

Mr. Deputy-Speaker: In this connection no complaint has been received.

श्री Rathnaswamy: Is it true that in the case of a number of Indians in Ceylon the fact that they had properties in India stood in the way of their being qualified for Ceylon citizenship?

श्री Satish Chandra: The final decisions on these applications have not yet been made. There are three to four lakhs of applications pending with the Ceylon Government. Only 5,558 cases have been decided up to the date to which this question related. The rest of about four lakhs of applications are still pending with the Ceylon Government on which a decision has to be taken.

Dr. Deshmukh: Has the Government come to know if any applications have so far been rejected and, if so, what is their number?

श्री Satish Chandra: No applications have so far been rejected. As I stated, decisions regarding only 5,558 cases have been given and the rest of the applications are pending a decision.

सेठ गोविन्द दास : यह जो चार पांच ऐप्लीकेशन्स वहां पर अभी पेन्डिंग हैं वह कितने दिनों से पेन्डिंग हैं और उन के सम्बन्ध में जो निर्णय सीलोन गवर्नमेंट करने वाली है वह कितने दिनों में आशा है कि कर दिया जायगा ?

[Seth Govind Das: For how long have these four or five lakhs of applications been pending and in what time is Ceylon Government expected to take a decision on these pending applications?]

**श्री सतीश चन्द्र :** मैं ने आनरेबल मेम्बर को जो संख्या दी थी वह तीन से चार लाख तक थी न कि चार से पांच लाख तक ।

[**Shri Satish Chandra:** The number that I gave to the hon. Member was three to four lakhs and not four to five lakhs.]

**सेठ गोविन्द दास :** खैर, उस में कोई खास फर्क नहीं है ।

[**Seth Govind Das:** Anyway, that does not make much difference.]

**श्री सतीश चन्द्र :** उस की आखिरी तारीख ५ अगस्त, १९५१ थी । तो ५ अगस्त, १९५१ तक दरवास्तें ली गई हैं । उन के ऊपर कार्रवाई होगी और उस का नतीजा सामने आ जायेगा ।

[**Shri Satish Chandra:** The last date for that was the 5th August, 1951. The applications were received upto the 5th August, 1951. They will be considered and the result will be made known.]

**Dr. Deshmukh:** May I take it that so far not a single application has been rejected?

**Shri Satish Chandra:** Decision regarding only 5,558 cases has been given. Government has no information that any application has been rejected.

**Shri Rathnaswamy:** May I know if the declaration of some Indians in Ceylon as 'temporary residents' deprived them of Ceylon citizenship?

**Shri Satish Chandra:** The hon. Member has given notice of a question on that which will come up on the 5th September, the next question day. Then he will get the reply.

#### UNECONOMIC TEXTILE MILLS

\*695. **Shri Deogirikar:** (a) Will the Minister of Commerce and Industry be pleased to state how many textile mills in the Bombay State are recognised as uneconomic?

(b) Are the price concessions granted to these mills subject to periodical revision?

(c) As a result of non-fixity of these prices, how many mills have stopped their production and in what years?

(d) Has this concession again been reduced from the 1st of August, 1951?

(e) Have the Bombay State Government informed those mills to approach the Government of India regarding this concession, and if so, what is the result of the same?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) The following 14 mills in Bombay State have been recognised by the Bombay Government as uneconomic units from the dates shown against them:

Sl. No.	Name of the mills	Recognised as uneconomic from
(1)	The Gujarat Hosiery Factory, Ahmedabad.	14-9-1950
(2)	The Surat Textile Mills, Surat.	14-9-1950
(3)	Shree Lakshmi Textile Mills, Bhor.	11-4-1949
(4)	Madhavanagar Cotton Mills, Madhavanagar.	11-4-1949
(5)	The Marathe Textiles, Mirag	11-4-1949
(6)	The Shree Balaji Spg. & Wvg., & Oil Mills, Sangli.	4-12-1950
(7)	Lokamanya Mills Ltd., Barsi.	14-9-1950
(8)	The Barsi Spg. & Wvg. Mills, Ltd., Barsi.	14-9-1950
(9)	The Jayashankar Mills Ltd., Barsi.	14-9-1950
(10)	Sardar Spg. & Wvg. Mills, Ahmedabad	10-3-1951
(11)	Hathesingh Mills, Ahmedabad.	9-3-1951
(12)	Fine Knitting Mills Co., Ltd.	26-3-1951
(13)	Gendalal Mills, Jalgaon	February 1951 to December, 1951.
(14)	Bharat Mills, Hubli.	March to December, 1951.

(b) Yes.

(c) A statement is laid on the Table of the House showing the position regarding the working of the 14 mills indicated against (a) prior to and after the grant of concessions. [See Appendix V, annexure No. 3.]

(d) Yes, it has been reduced in the case of first 9 mills mentioned in (a) above.

(e) Yes Sir, the matter is under consideration.

**Shri Deogirikar:** May I know why these periodical revisions regarding price concessions are made?

**Shri Mahtab:** Periodic revision of the price concessions is made according to the Tariff Board formula. In these particular cases the Bombay Government allowed them some concession and they keep a watch on the progress of these uneconomic mills. According to them they have ceased to be uneconomic mills—these nine. Then a representation was made to me and the whole matter is under consideration. We are in correspondence with the Bombay Government and are trying to find out whether these mills still continue to be uneconomic or have improved.

**Shri Deogirikar:** May I know whether the Minister of Supply, Bombay Government has said that these mills are not non-economic and, if so, has he intimated any grounds to the Central Government for saying so?

**Shri Mahtab:** They hold that these mills have ceased to be uneconomic. Since a representation has been made we are in correspondence with the Bombay Government to find out actually what the position is.

**Shri Jnani Ram:** May I know the nature of the concessions allowed to these mills?

**Shri Mahtab:** They are allowed 3 to 5 per cent. over the ex-mill price.

**Shri T. N. Singh:** Do the concession and prices given to these mills not affect the prices of other mills and have they also not been given some concessions, or do they not *ipso facto* follow?

**Shri Mahtab:** No, that is not the fact. First of all the ex-mill price is fixed according to the Tariff Board formula. The wholesaler's commission and the retail seller's commission come to about 14 per cent. Out of that the Government of Bombay was giving 3 to 5 per cent. commission to these uneconomic mills and allowing them to sell their own cloth. That was the concession they were giving to these mills.

**Dr. Deshmukh:** Had the Government of India accepted the contention of the mills that they are uneconomic, without investigation?

**Shri Mahtab:** Investigation of course will be made if we cannot come to an agreement with the Bombay Government. Primarily this is a concern of the Bombay Government and we have taken it up with the Bombay Government in the interest of more production of yarn.

**Dr. Deshmukh:** Now that the Bombay Government has taken the view

that they are not uneconomic, will the Government of India take the same view and pursue a different policy?

**Mr. Deputy-Speaker:** They are considering that matter. What is the good of anticipating their opinion?

**Dr. Deshmukh:** It cannot be both ways. When he says that it is the concern of the Bombay Government they must accept their view and act accordingly and not pursue their own policy.

**Mr. Deputy-Speaker:** So far as the enquiry is concerned the recommendation is made by the Bombay Government and it comes to the Central Government.

Next question.

#### MALTEMENT OF INDIANS BY THE FRENCH AND BELGIAN POLICE

\*697. **Dr. Deshmukh:** (a) Will the Prime Minister be pleased to state whether the attention of Government has been drawn to a cable from London dated the 10th August, 1951 and published in the issue of "Hindustan Times", Delhi edition, dated the 11th August, 1951 under the caption "Maltreatment of Indians"?

(b) Have Government received any confirmation of the facts stated in the cable from the High Commissioner in London or the Indian Embassy in Paris?

(c) What explanation has been offered with regard to the treatment meted out to Indians by the French and Belgian police?

(d) What steps do the Government of India propose to take in the matter?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) Yes.

(b) to (d). Necessary enquiries are being made, and a statement will shortly be placed on the Table of the House.

**Dr. Deshmukh:** What is the cause for so much time being taken when wireless and telegraphic communications are available? Does not the Government consider it a matter of much importance?

**Dr. Keskar:** I might inform the hon. Member that as far as the Government is aware the persons concerned have made long statements in the Press but on enquiry we do not find that any formal complaint was made in any of the Missions. We are trying to find out to which Mission they went and made a complaint. All I can say in

advance is that in one Mission which was really concerned in France, no complaint came from any source and the Mission itself is trying to find out from the French Government and other authority whether any complaints were made to them. That is the reason for the delay.

**Dr. Deshmukh:** Has our High Commissioner in London sent any report or any communication to the Government of India?

**Dr. Keskar:** Yes. We are awaiting that particularly.

AGREEMENT BETWEEN INDIA AND GREECE  
(SETTLEMENT OF CLAIMS)

\*698. **Shri Rathnaswamy:** Will the Minister of Commerce and Industry be pleased to refer to the agreement entered into by the Governments of India and Greece in regard to the settlement of claims in respect of money and property subjected to special measures during the last War and state:

(a) the total Greek assets vested in the Indian Custodian of Enemy Property and *vice versa*; and

(b) the steps taken so far by the Greek Government in the collection of moneys due from debtors in Greece to creditors in India?

**The Minister of Commerce and Industry (Shri Mahtab):** No formal agreement has been entered into, but letters were exchanged in April 1951 between the Indian High Commissioner and the Greek Ambassador in London regarding the settlement of claims in respect of money and property which were subjected to special measures during the war in India and Greece. Copies of the letters exchanged have been placed in the Library of Parliament.

(a) Total Greek assets vested in the Indian Custodian stand at Rs. 2,42,800-9-5. The Indian claims against Greece are estimated at Rs. 44,190.

(b) Under the terms of the letters exchanged the Indian Custodian has supplied the representatives of the Government of Greece with particulars of claims registered in his office by persons and institutions in India against persons and institutions in Greece. The Government of Greece have undertaken to investigate the claims and to assist, to the best of their ability, with the settlement of the claims.

**Shri Rathnaswamy:** Have the Government received any explanation from the Greek Government as to the reasons for the delay in expediting this matter?

**Shri Mahtab:** This is all the information which we possess. I have no further information.

**Shri Rathnaswamy:** What are the outstanding dues which are due to the Indian creditors?

**Mr. Deputy-Speaker:** The Indian claims are Rs. 44,190.

**Shri Mahtab:** The total Greek assets vested in the Indian Custodian stand at Rs. 2,42,800-9-5 and the Indian claims against Greece are estimated at Rs. 44,190.

**Mr. Deputy-Speaker:** Next question.

WATER RESOURCES OF *Krishna* AND  
*Godavary*

\*699. **Shri A. Joseph:** (a) Will the Prime Minister be pleased to state what are the main conclusions reached by the Committee of the Planning Commission, which had recently discussed with the representatives of the Governments of Madras, Bombay and Hyderabad regarding the scheme for the utilisation of the water resources of the rivers, *Krishna* and *Godavary*?

(b) Have the Government of Madras placed before the Committee of the Commission their final proposals regarding the project?

(c) If so, what are their proposals for the distribution of the water resources expected out of the project?

(d) Is it a fact that the Puli Chintala project has been dropped in favour of the Pennar Project and if so, has this been done for the purpose of diverting of the water to the North Arcot District in Tamil Nad?

(e) Did the Committee examine the comparative claims and merits of both the Schemes before the Pull Chintala Project was dropped?

**The Parliamentary Secretary to the Prime Minister (Prof. S. N. Mishra):**

(a) The Planning Commission convened a conference last July of the States interested in the *Krishna* and *Godavary* rivers namely, Bombay, Madras, Hyderabad, Madhya Pradesh, and Mysore in order to bring about an agreement among them in regard to the utilisation of the waters of these rivers. A copy of the record of discussion and the agreement reached at this conference is placed on the Table of the House. [See Appendix V, annexure No. 4.]

(b) to (e). The Conference was largely concerned with the allocation of available supplies of water in the

*Krishna and Godavary* rivers, among the different States rather than with the examination of individual schemes. Separately, the Madras Government has suggested certain irrigation and power schemes for inclusion in the second part of the Five-Year Plan. These have not yet been examined by the Planning Commission.

**Shri A. Joseph:** May I know the names of the personnel representing the Madras Government and whether they consist of Tamilians only or whether Andhras are also there?

**Prof. S. N. Mishra:** The Madras Government was represented by its representatives. That is all I can say. It is difficult for us to find out who belonged to Andhra.

**Shri A. Joseph:** Has any representation been received from Kistna and Guntur citizens regarding the Pennar Project for the purpose of a discussion of the merits and demerits of these projects?

**Prof. S. N. Mishra:** Recently a deputation waited upon the Planning Commission—I think a couple of days ago—and they have fully discussed about the utility of the Puli Chintala project. Their points of view have been recorded by the Planning Commission and these will be given due consideration when the Planning Commission comes to discuss all these projects in collaboration with the Government of Madras.

**Shri A. Joseph:** There is a general feeling among the Andhras that the Madras Government may spoil their rights in the Pennar and Puli Chintala Projects. Is there any proposal with the Central Government to appoint experts to see and examine the merits and demerits of these projects?

**Prof. S. N. Mishra:** So far as the feeling about this project is concerned, the Planning Commission is quite conscious of it and that fact is also evidenced by a Press Note which was issued by the Government of Madras some time back. In fact they have tried to clarify certain points raised by the people from Andhra but what the hon. Member seems to be suggesting is that the Government or the Planning Commission should over the head of the Government of Madras examine certain individual schemes and inflict them on the Government of Madras. That is a policy question, Sir, and that will have to be discussed in some greater detail. The Govern-

ment of a State is generally responsible for the execution of the projects and therefore, it can only be in co-operation with the Government of the State that certain decisions will have to be arrived at.

**Shri A. Joseph:** Before coming to a decision on this matter, will the Central Government be pleased to appoint a Commission consisting of Andhras?

**Mr. Deputy-Speaker:** The hon. Member has already replied that it is not possible.

**Dr. V. Subramaniam:** Out of the two projects, namely the Pennar Project and Puli Chintala Project, has the Government investigated which is the more remunerative?

**Prof. S. N. Mishra:** About that I have already replied that the Planning Commission had convened a Conference last July for a different purpose. It did not go into the merits or demerits of individual schemes and it has not examined this aspect of the question.

**Dr. V. Subramaniam:** Before deciding the issue, will Government consider which of them will be more remunerative?

**Prof. S. N. Mishra:** So far as that is concerned, it is always the concern of the Planning Commission that only those projects should be taken into account which are economically, financially and technically sound. That consideration will always hold good.

**Prof. Ranga:** May I know whether it is not the policy of the Government that priority should be given in choosing any of these projects to the people of a river valley and their needs?

**Prof. S. N. Mishra:** That is one of the considerations.

#### ALL-INDIA HANDLOOM WEAVERS' BOARD

\*676. **Dr. M. V. Gangadhara Siva:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have appointed an All-India Handloom Weavers' Board;

(b) the constitution of the Board; and

(c) what sum has been set apart for the use of the Board to develop the handloom industry?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) and (b). Obviously the hon. Member is referring to a Standing Handloom Committee whose constitution and functions are contained in a Resolution issued by Government on the 6th July 1950. A copy of the Resolution is laid on the Table of the House. [See Appendix V, annexure No. 5.]

(c) The Government have created a Handloom Development Fund with an initial grant of Rs. 10 lakhs for distribution to the various States for the prosecution of their schemes for development of the handloom industry.

**Dr. M. V. Gangadhara Siva:** May I know whether it is not a fact that the Government has not been giving help to the Handloom Weavers' Board but on the other hand it is developing itself in the name of this Board?

**Shri Mahtab:** I could not follow the question.

**Mr. Deputy-Speaker:** It need not be answered. He says that the Government is developing itself instead of developing the Handloom Board.

#### Short Notice Questions and Answers

#### RAID ON NOKO VILLAGE BY NAGA HEAD-HUNTERS

**Dr. Ram Subhag Singh:** Will the Prime Minister be pleased to state:

(a) whether there is any truth in the press report appearing in the *Statesman* of Delhi dated the 15th August, 1951, that Naga head-hunters recently made a raid on the village of Noko (Naga area in Assam) and took about 90 scalps:

(b) if so, whether those head-hunters have been rounded up; and

(c) whether any steps have been taken by Government to restore confidence among villagers of Noko?

**The Prime Minister (Shri Jawaharlal Nehru):** (a) Yes. On the 24th of May 1951, the Nagas of Ponyu village in Burma raided the Naga village of Nokhu in India, killed 93 persons and took away their heads. About 400 houses were burnt, granaries and livestock were looted and standing crops were destroyed. The raid was repeated on the 29th May. On this occasion no one was killed as the villagers had already left their houses. The remaining houses and cattle were, however, looted. Two of the raiders were killed.

(b) and (c). On receiving the information of these incidents, a column of the Assam Rifles was despatched on

2nd June 1951 to proceed to the affected area. Some culprits were taken into custody. Due to the despatch of a column of the Assam Rifles the situation was promptly brought under control and the villagers regained confidence. 500 mds. of rice and 50 bags of salt were dropped by air in the affected area. The injured persons were given medical treatment. A post of Assam Rifles has been established at Nokhu. The Government of Burma have also been asked, through our Embassy at Rangoon, to take preventive measures against such future raids and to punish the offending tribesmen from Burmese territory.

**Dr. Ram Subhag Singh:** May I know the number of head-hunters who have so far been rounded up and whether, any of them were killed in the process of rounding up?

**Shri Jawaharlal Nehru:** I have already read out that two raiders were killed while they were raiding. In the process of rounding up, whether any were killed or not, I do not see. Normally, there is not much of a conflict between them and our Assam Rifles force. When our forces go there, they are not strong enough to resist them. There is hardly any fighting.

**Dr. Ram Subhag Singh:** Is it a fact that some of the head-hunters have managed to escape from our custody and if so, what is their number, and may I know whether they have been re-arrested?

**Shri Jawaharlal Nehru:** I am afraid I do not know.

**Shri Ghule:** May I know when the information about the first incident which took place on the 24th was received by the authorities of the Assam Government?

**Shri Jawaharlal Nehru:** I do not know what the hon. Member means. I have already read out that incidents occurred on the 24th and 29th of May and the Assam Rifles were despatched on the 2nd June.

**Shri Ghule:** My point was, was information not received during those five days which intervened between the 24th and 29th of May? Were they not able to send the forces before the 29th, before the second incident took place?

**Shri Jawaharlal Nehru:** I could not precisely say. But, normally, information takes several days to reach from there because there is no agency of ours to send information. People usually gradually drift and bring news and from some nearby post it reaches us.

**Dr. Ram Subhag Singh:** May I know whether the Government contemplate to permanently station troops in that area, at least in the area where this incident has occurred?

**Shri Jawaharlal Nehru:** Hon. Members may keep in mind the fact that vast areas between India and Burma are not administered on both sides. They are totally unadministered territories left to their own resources, except when trouble occurs somebody goes to punish the trouble makers. The real remedy is to administer those areas. Gradually this process is extending and when it reaches the frontiers, then, presumably such things will not happen. Otherwise one has to rely on the good sense of the people living there not to cut off each other's heads.

**Shri J. N. Hazarika:** Are we to understand that the Burmese Government has not also complete control over those tribes who attacked this village?

**Shri Jawaharlal Nehru:** The hon. Member is perfectly right. There is no administration there. Control comes after administration comes in. Where there is no administration, the only control is fear of something happening later. That fear certainly may be present there. For the rest, administration should spread. The situation on the Burmese side of the border, if anything, is a little worse.

**Dr. Ram Subhag Singh:** Is it a fact that the villagers of Nokhu have requested the Government to permanently station these troops there?

**Mr. Deputy-Speaker:** He has answered that already.

**Dr. Ram Subhag Singh:** The hon. Prime Minister said that there is no administration there. My question is whether the villagers have requested that troops be stationed there?

**Shri Jawaharlal Nehru:** By putting up a post there, the area does not become administered; it still remains unadministered. A post is only a police post to give some kind of protection. It is not administration. We have at present got a post there which we have recently put up. How long it will remain there is a matter for consideration. For the present it will continue.

**Dr. Ram Subhag Singh:** Is it a fact that a road construction programme is going on in that area and the arrested Nagas are made to work in that area?

238 PSD

**Shri Jawaharlal Nehru:** I do not know.

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

**Prof. Ranga:** Have these raids anything to do with the Free Naga Movement which has been going on for the last two years, and about which representations were made to the hon. Prime Minister some time ago?

**Shri Jawaharlal Nehru:** No; nothing to do either geographically or otherwise. This is an exhibition of exuberance which occurs there year after year.

**सेठ गोविन्द दास:** ऐसे क्षेत्रों में कि जहाँ पर, जैसा कि अभी प्रधान मन्त्री जी ने कहा, यथार्थ में कोई राज्य व्यवस्था है ही नहीं, क्या वहाँ के निवासियों के पास कोई हथियार हैं अपनी सुरक्षा के लिये और यदि नहीं हैं तो क्या भारतीय सरकार इस बात का प्रबन्ध कर रही है कि वहाँ के लोगों को हथियार दे दिये जायें जिसमें कि वह अपनी सुरक्षा कर सकें।

[**Seth Govind Das:** In the areas where, as the Prime Minister has just stated, there is in fact no administration, do the residents have some arms for their protection, and if not, are the Government of India making any arrangements for the distribution of arms among them in order that they might protect themselves?]

**Mr. Deputy-Speaker:** They may hunt the heads on the other side.

**प्राकृतिक संसाधन तथा वैज्ञानिक अनुसंधान बंधी (श्री श्री प्रकाश):** उन के पास बहुत से बाले हैं जिन से वह एक दूसरे का सिर काटते रहते हैं।

[**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** They have plenty of spears with which they go on with their head-hunting.]

**सेठ गोविन्द दास:** क्या उन के पास कोई हथियार हैं या उन को हथियार देने की कोई व्यवस्था की जा रही है?

[**Seth Govind Das:** Do they have any arms or is some arrangement being made to supply the same?]

**श्री जवाहरलाल नेहरू:** हालत यह है कि इस वक्त भी उन के पास जरूरत से ज्यादा हथियार हैं।



[**Shri Jawaharlal Nehru:** The position is that they already have more of them than are necessary.]

**Shri A. C. Guha:** Is it true that these areas between Burma and Assam, even under the British rule, were mostly unadministered and raids like these have been frequently taking place, though not of such huge dimensions?

**Shri Jawaharlal Nehru:** Yes. There is nothing new about this. These raids have taken place off and on. The people are a vital dynamic people. They do not sit static.

**Shri Kamath:** Does the Prime Minister really mean to dismiss this rather serious matter as mere exuberance?

**Mr. Deputy-Speaker:** Order, order. No, no. That kind of aspersion ought not to be made. The hon. Prime Minister is doing his best to give to the House whatever information is in his possession.

**Prof. Ranga:** Have Government any policy or are they in the process of developing any policy as to how to deal with these Nagas and bring them within the region of our administration?

**Dr. Deshmukh:** Make it a Part C State.

**The Minister of Home Affairs (Shri Rajagopalachari):** Or D; 'D' standing for dynamic.

**Shri Jawaharlal Nehru:** There can only be one policy, ultimately, to deal with the situation, and that is gradually to spread administration there. That is being followed. It cannot be followed quickly because it is a question of developing, first of all, communications all over the jungles. You cannot have administration without communications, and that is a slightly slow process in these big areas where there are no communications. The only other way is to tell these people that if they misbehave, they will be punished. That is done from time to time. Thirdly it is a frontier area and much depends on what happens on the other side of the frontiers, that is, on the Burmese side, which we do not control and which, unfortunately, for the moment, the Burmese Government also is not in hundred per cent. control.

## JAPANESE PEACE TREATY

**Shri Kamath:** Will the Prime Minister be pleased to state:

(a) on what date India received the invitation to the proposed San Francisco Conference on the Japanese Peace Treaty;

(b) the various suggestions made by India in the draft Treaty since that date, together with the replies received from U.S.A. and U.K. from time to time;

(c) whether India explicitly asked for a discussion of the draft at the Conference and the same has been finally refused by U.S.A.;

(d) whether the U.S.S.R. which is attending the Conference has informed India that it will be impossible to raise a discussion at the Conference;

(e) whether India has consulted other Asian States before communicating her final reply to U.S.A. and if so, which;

(f) whether India or any other Asian nation proposes to convene a separate Conference of Asian nations on the Japanese Peace Treaty and if so, when;

(g) whether there is any probability of the U.N. General Assembly discussing the matter;

(h) whether India proposes to depute any observer to the Conference at San Francisco; and

(i) the circumstances in which India's communication to U.S.A. on the draft was prematurely published elsewhere than in New Delhi?

**The Prime Minister (Shri Jawaharlal Nehru):** (a) On the 20th July 1951.

(b) The hon. Member's attention is invited to the White Paper on the subject placed on the Table of the House on the 30th August. This contains the principal suggestions made by us. Earlier correspondence on this subject has not been published and is treated as Confidential.

(c) It was clearly stated by the sponsors of the Conference that there would be no discussion of or changes in the draft at the Conference. There was no occasion therefore for asking for a discussion of the draft at the Conference.

(d) No.

(e) We have been keeping the Governments of Burma and Indonesia informed of our views from time to time and they have similarly kept us informed of their views.

(f) There was a suggestion at one time to have a conference of some Asian countries, but the general view was that this question could only be considered after the San Francisco Conference

(g) We have no information.

(h) No.

(i) We have no information.

**Shri Kamath:** Sir, with reference to the answer to part (c) about the draft treaty at the conference, is it not a fact that what the Prime Minister stated on Monday last was that the draft treaty will not be open to negotiation, but that discussion was not definitely ruled out?

**Shri Jawaharlal Nehru:** It has been stated quite clearly by the sponsors—and I repeat it—that no change can be made in the treaty, but any member of the conference can make a statement and that will be put on the records of the Conference; but the draft treaty cannot be changed at all.

**Shri Kamath:** To what extent will Mr. Dean Acheson's latest statement to the effect that any treaty to be signed by Japan in future with a non-signatory country should not conflict with the provisions of the draft treaty, create difficulty in the way of India signing a separate bilateral treaty on the basis adumbrated by the Prime Minister in his statement on Monday?

**Shri Jawaharlal Nehru:** There will be no difficulty at all, because the kind of bilateral treaty that we contemplate is a simple treaty to put an end to the technical state of war and for some clauses with regard to trade, commerce and such like relations. In that treaty it is not contemplated to deal with political or other controversial issues.

**Shri Kamath:** Is it a fact that the Far Eastern Commission set up at the close of World War II was established with a view to ensuring the fulfilment of the surrender terms at Potsdam which included a reference to the future of the Kuriles and Ryukyu Islands and that India which has been functioning as a member of the Far Eastern Commission for the last five years—a commission which was set up to ensure the fulfilment of the Potsdam decisions never raised any objection to any of these terms during her tenure of membership of the Far Eastern Commission?

**Shri Jawaharlal Nehru:** I am not quite clear how the hon. Member's question is related to the other question. But there was no occasion for India to raise a debate on what was done at Potsdam or what was done at

Yalta. They were decisions by some great powers, and coming subsequently, India had no reason or occasion to challenge the previous post-war decisions of those great powers *inter se*. The question of a peace treaty with Japan was never raised till recently and was, so far as I know, never referred to that body.

**Shri Kamath:** During the last eleven months and more, when the American President's Special Envoy Mr. John Foster Dulles, had been carrying on talks, informal and otherwise, with the British Government and the Japanese Government, was the question of the future of Hongkong ever raised or referred to the Indian Government through our Ambassador at Washington?

**Shri Jawaharlal Nehru:** The hon. Member will remember that Hongkong has nothing to do with Japan.

**Shri Kamath:** I mean whether in connection with Formosa and China, was the matter of Hongkong also raised?

**Shri Jawaharlal Nehru:** Formosa comes into the picture because it was part of the Japanese Empire and it was stated immediately before the World War ended, at the Potsdam Conference and at the Cairo Conference, that Formosa would go to China. That was decided and all these settlements related to the future of Japanese possessions. Hongkong is completely outside the picture.

**Dr. Ram Subhag Singh:** May I know whether Government propose to consult the Asian powers in regard to formulating a Japanese treaty after the conclusion of the San Francisco Conference or is it proposed to have a bilateral treaty with Japan?

**Mr. Deputy-Speaker:** He has already answered that question.

**Dr. Deshmukh:** If there is no objection, will the Prime Minister please state if the Burmese and the Indonesian Governments were in agreement with the point of view taken by us?

**Shri Jawaharlal Nehru:** So far as the Burmese Government is concerned, they publicly stated that they are in complete agreement with India's point of view, with one condition that they have claimed reparations which we have not. Apart from that there is complete agreement. So far as the Indonesian Government is concerned, they have decided to attend the Conference, but they have not finally decided what they will do there. That they will decide later on.

**Shri R. Velayudhan:** With regard to the conference of Asiatic nations about which the Prime Minister hinted now, will Communist China be invited to that conference?

**Shri Jawaharlal Nehru:** There is no question of a conference of Asiatic or Asian nations. Asia is a very big continent; but three countries, namely, Burma, India and Indonesia, have been in close contact over these matters, and the proposal that was made once was that these three countries should agree among themselves.

**Shri Rathnaswamy:** During the visit of the Burmese Foreign Minister to India was it agreed between India and Burma that when considering the question of deciding to attend the San Francisco Conference each country should consult the other?

**Shri Jawaharlal Nehru:** There is no agreement. That is the normal practice that prevails between India and Burma.

**Shri Rathnaswamy:** Was there any breach by the Burma Government in connection with the question of attending this conference?

**Mr. Deputy-Speaker:** There was no agreement and therefore no breach.

**Shri Kamath:** The Japanese Prime Minister has referred to the Draft Treaty as a fair and magnanimous Peace Treaty unparalleled in history. Apart from one Prime Minister to another, to which sources does India refer to in this White Paper when it says:

"The Government of India regret that their appreciation of the situation does not tally with that of the U. S. Government."

From what sources other than the Prime Minister and the Government of Japan has the Government of India gathered this appreciation of the situation, which is different from the U.S.A.'s estimate?

**Shri Jawaharlal Nehru:** Our sources of information are certain sources which are open to the public, which appear in the newspapers. For instance a few days ago a fairly lengthy account about a meeting of the Japanese Diet where many criticisms were made appeared. Secondly and obviously we have the reports of our own representative there and thirdly messages are conveyed to us sometimes by the Japanese Government.

**Shri Kamath:** Is India considering a proposal to sponsor the admission of Japan to the U.N.O?

**Mr. Deputy-Speaker:** It does not arise out of this.

**Shri Kamath:** Has the Government's attention been drawn to a statement recently made by the head of our Mission in Tokyo describing the draft as "shameful", and does Government think that it is proper or diplomatic language to be used by the head of our diplomatic mission with regard to another friendly nation's proposal?

**Shri Jawaharlal Nehru:** No. Government has seen that and we are inquiring into the matter to find out what the words used might have been. But certainly the use of the word "shameful" in this connection is undesirable.

#### WRITTEN ANSWERS TO QUESTIONS

##### COMMITTEE FOR *bidi*, CIGAR AND CIGARETTES INDUSTRY

\*675. **Shri Kesava Rao:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether there is any committee set up for the development of *Bidi*, cigar and cigarettes industry;

(b) when it was set up;

(c) who are the members of the Committee; and

(d) how many times it has met during the last one year?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) and (b). A Development Committee for *Bidi*, Cigar and Cigarettes Industry was set up in 1949 and it was reconstituted in 1950. This Committee has not been reconstituted for 1951 as the general question of setting up a suitable machinery for watching and ensuring progress in various industries is under consideration of Government.

(c) A statement is laid on the Table of the House. [See Appendix V, annexure No. 6.]

(d) The committee met once on the 4th July 1949.

##### PAPER PULP MANUFACTURE

\*677. **Dr. M. V. Gangadhara Siva:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether there are any projects for the manufacture of paper pulp in India on a large scale; and

(b) if so, where they are proposed to be set up and when they are to come into existence?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) There are four projects for the manufacture of paper for which pulp will be produced by the firms themselves.

(b) The name, location and the expected date of commencement of production of each of the 4 projects are as follows:

Name of project	Location	Expected date of starting production
(1) Cauvery Valley Paper Mills, Ltd.	Nanjangud (Mysore)	By the end of this month. 1952
2) Ballarpur Paper and Strawboard Mills, Ltd.	Near Ballarshah (Madhya Pradesh)	1953
(3) National News-print and Paper Mills, Ltd.	Near Chandni (Madhya Pradesh)	1952
(4) K.C.P. Ltd.	Vuyyuru (Madras)	1952

#### DISPLACED PERSONS FROM EAST BENGAL

**\*680. Shri Kashudiram Mahata:** Will the Prime Minister be pleased to state:

(a) the number of East Bengal displaced persons that have come to India in each of the months of April, May and June, 1951 separately;

(b) the number of Muslims who left India for East Pakistan during these three months; and

(c) the number of East Bengal displaced persons who have gone back to East Bengal?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) to (c). A statement showing the movement of displaced persons between East Bengal and Assam and between East Bengal and Tripura is placed on the Table of the House. [See Appendix V, annexure No. 7.]

No similar figures of movement of displaced persons between East Bengal and West Bengal are available. Figures have, however, been kept of all Hindu and Muslim passengers including displaced persons moving between East and West Bengal by train via the border railway stations of Banpur and Bongaon in West Bengal. A statement showing these figures is also placed on the Table of the House. [See Appendix V, annexure No. 7.]

#### ACETONE

**\*688. Shri Amolakh Chand:** Will the Minister of Commerce and Industry be pleased to state:

(a) the amount of acetone produced and manufactured in the year 1950-51;

(b) the amount imported during the said year; and

(c) the estimated annual consumption in India?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) 496 tons.

(b) Information is not available as acetone is not separately specified in the foreign sea and airborne trade returns. Imports are however negligible.

(c) About 400 tons per annum.

#### COAL TAR PRODUCTS

**\*689. Shri Amolakh Chand:** Will the Minister of Commerce and Industry be pleased to state the annual consumption of Coal Tar products in India and the increase in the production thereof in 1950-51?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** A statement is laid on the Table of the House. [See Appendix V, annexure No. 8.]

#### CHANDERNAGORE MUNICIPAL ELECTIONS

**\*691. Shri Amolakh Chand:** Will the Prime Minister be pleased to state:

(a) whether municipal elections in Chandernagore were held on adult suffrage or on the old special list of voters; and

(b) if the latter, whether Government propose to have fresh elections soon on "adult franchise"?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) The Municipal elections in Chandernagore were held under the existing rules for French Municipal elections.

(b) The Government will hold fresh elections in Chandernagore based on adult franchise as soon as practicable. Electoral rolls on that basis are being prepared.

#### EXPORT LICENCES

**\*692. Shri V. K. Reddy:** Will the Minister of Commerce and Industry be pleased to state how many of those who were granted export licences during the last six months are newcomers?

**The Minister of Commerce and Industry (Shri Mahtab):** During the six months ending June 1951, for most of the commodities there was no distinction between "established shippers" and "new comers" for the purpose of issuing export licences. The only important commodities in which export licences were issued on the basis of "established shippers" and "new comers" were jute goods, cotton hard waste and mustard oil. The number of new comers to whom licences were given in the case of these commodities was 765.

#### CUT IN CLOTH PRICES

\*696. **Shri Ganamukhi:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Textile Mills had requested the Government of India to restore the four per cent. cut in the prices of cloth; and

(b) if so, whether the Textile Control Committee has declined to do so and the reasons therefor?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) Yes, Sir.

(b) The question is still under examination of the Cotton and Cotton Textile Control Committee.

#### हड्डियों का निर्यात

१५१. श्री सापठे: क्या वाणिज्य तथा उद्योग मन्त्री यह बतलाने की कृपा करेंगे:

(क) सन् १९४५ से १९५० तक कलकत्ते के बन्दरगाह से अमेरिका तथा अन्य-विदेशों को निर्यात की गयी हड्डियों की टनों में मात्रा; तथा

(ख) इसी काल में भारत में आयात किये गये हड्डियों के पाउडर की मात्रा तथा जिन देशों से इस का आयात किया गया उन के नाम?

#### EXPORT OF BONES

[151. **Shri Khaparde:** Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of bones in tons exported from Calcutta Harbour from the year 1945 to 1950 to U.S.A. and other foreign countries; and

(b) the quantity of bone powder in tons imported into India and the countries from which such imports were made during the same period?]

**The Minister of Commerce and Industry (Shri Mahtab):** (a) I place on the Table of the House a statement showing the quantities of crushed bones of different descriptions exported from India to the U.S.A. and other countries with the share of the maritime State of West Bengal in the total export trade during each of the six official years 1945-46 to 1950-51. [See Appendix V, annexure No. 9.]

Statistics of exports from the Calcutta port to different countries are not readily available, but from the year 1948-49 exports from West Bengal represent primarily exports from the Calcutta sea port.

(b) The information is not available as bone powder is not separately recorded in the Import trade returns.

#### EXPORTS FROM TRAVANCORE-COCHIN STATE

152. **Shri Alexander:** Will the Minister of Commerce and Industry be pleased to state:

(a) the amount of dollar earnings from exports of the following commodities from Travancore-Cochin State during the period 1st January, 1950 to 30th June, 1951;

(i) pepper;

(ii) tea;

(iii) colr;

(iv) cashew;

(v) cardamom, ginger and other spices;

(vi) ilminite sand; and

(vii) ivory articles; and

(b) the export duty received from pepper and tea from that State?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) and (b). Statistics of exports from India are not compiled on the basis of exports from individual States. However two statements containing information regarding (a) exports of the items mentioned in the question to dollar areas

from and (b) export duty collected on tea and pepper at the following ports are laid on the Table of the House:

(i) Ports in Tranvancore—Cochin State (excluding the port of Cochin); and

(ii) Port of Cochin.

[See Appendix V, annexure No. 10.]

---

Friday, 31st 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

## CONTENTS

Volume XV—30th August, 1951 to 22nd September, 1951

Columns

### THURSDAY, 30TH AUGUST, 1951—

#### Papers laid on the Table—

(i) White Paper regarding Japanese Peace Treaty ; and (ii) Draft Japanese Peace Treaty . . . . .	1595
Letter to Bombay Mutual Life Assurance Society Ltd. under Section 27 of Insurance Act . . . . .	1595—96
Indian Companies (Amendment) Bill—Presentation of Report of Select Committee . . . . .	1596
Government of Part C States Bill—Consideration of clauses— <i>Not concluded</i> . . . . .	1596—1664

### FRIDAY, 31ST AUGUST, 1951—

Business of the House . . . . .	1665—67
Papers laid on the Table—	
Annual Reports and Audited Accounts of Employees State Insurance Corporation for 1948-49 and 1949-50 . . . . .	1667
Press (Incitement to Crime) Bill—Introduced . . . . .	1667
Delhi and Ajmer Rent Control Bill—Extension of time for presentation of Report of Select Committee . . . . .	1667—69
Evacuee Interest (Separation) Bill—Extension of time for presentation of Report of Select Committee . . . . .	1669
Government of Part C States Bill—Consideration of clauses— <i>Concluded</i> . . . . .	1669—1812

### MONDAY, 3RD SEPTEMBER, 1951—

Motion for Adjournment—	
Imposition of a compulsory war levy on non-Muslims of East Pakistan . . . . .	1813—14
Papers laid on the Table—	
Bedaux Report on Central Stationery Office, Calcutta . . . . .	1815
Benares Hindu University (Amendment) Bill and Aligarh Muslim University (Amendment) Bill—Extension of time for presentation of Reports of Select Committees . . . . .	1815—18
Government of Part C States Bill—Passed, as amended . . . . .	1818—73
Railway Companies (Emergency Provision) Bill—Discussion on motion to consider— <i>Not concluded</i> . . . . .	1873—88

### TUESDAY, 4TH SEPTEMBER, 1951—

Motions for Adjournment—	
Accident on Shahdara-Saharanpur Light Railway . . . . .	1889—91
Madras High Court Decision <i>re</i> Notification under Cotton Control Order of 1951 . . . . .	1892—93
Papers laid on the Table—	
Report of Indian Delegation to Fourth World Health Assembly . . . . .	1894
Ganesh Chaturthi Festival . . . . .	1894—95
Delhi Special Police Establishment (Amendment) Bill—Introduced . . . . .	1895
Industries (Development and Control) Bill—Referred to Select Committee . . . . .	1895—1924
Railway Companies (Emergency Provision) Bill—Consideration of clauses— <i>Not concluded</i> . . . . .	1924—84

### WEDNESDAY, 5TH SEPTEMBER, 1951—

Railway Companies (Emergency Provision) Bill—Passed, as amended . . . . .	1985—2034
Indian Companies (Amendment) Bill—Consideration of clauses— <i>Not concluded</i> . . . . .	2035—66



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

---

---

1665

1666

**PARLIAMENT OF INDIA**

*Friday, 31st August, 1951.*

*The House met at half past Eight  
of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

**QUESTIONS AND ANSWERS**

(See Part I)

9-52 A.M.

**BUSINESS OF THE HOUSE**

**Mr. Deputy-Speaker:** The Leader of the House will make a statement regarding the course of business for next week. Mr. Kamath sent me a slip regarding this yesterday.

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** The House will remember that some reference was made in the President's address to the House to some important Bills which we hoped would be passed in the course of this session. The Bills mentioned in the President's address were a few and not many. They were: The Industries (Development and Control) Bill, the State Financial Corporations Bill, the Tariff Commission Bill, the Hindu Code Bill, certain Bills dealing with displaced persons and the Ordinances which have to be put before the House in the shape of Bills.

I am afraid the progress made thus far by the House has been rather slow. Out of that list the only Bill passed is the Tariff Commission Bill and the others are still being considered. I do not wish at the present moment to make any precise statement but I should like to indicate to the House the Bills that we should like to be taken up next week and also passed: the Industries (Development and Control) Bill, to which we attach great importance, the State Financial Corporations Bill and the Employees State Insurance (Amendment) Bill which has been in a sense pending for a long 276 PSD

time. There are a number of relatively small Bills which have come up before the House and gone to Select Committees such as the Benares Hindu University (Amendment) Bill, the Aligarh Muslim University (Amendment) Bill, the Forward Contracts (Regulation) Bill etc. Then there is the Labour Relations Bill. Apart from these...

**Shri Kamath (Madhya Pradesh):** All these for one week?

**Shri Jawaharlal Nehru:** The list is always long: Perhaps you may not be able to pass all of them. Apart from all these there is the Hindu Code Bill, to which reference was made in the President's address and it is Government's intention to proceed with it and after giving the House fairly full opportunities of discussion to get through with it. For the present I would suggest that this should be taken up in the beginning of week after next, that is on Monday the 10th September.

**Shri Deshbandhu Gupta (Delhi):** When do Government propose to take up the Press Laws Bill?

**Shri Jawaharlal Nehru:** I am sorry I have not mentioned this very important Bill, the Press Bill, though it is not the exact designation of it. This Bill, I am told, is going to be introduced today.

**Shri Kamath:** Does it mean that irrespective of the passage or otherwise of the Bills indicated by the Leader of the House as set down for next week, the Hindu Code Bill will be taken up on the 10th?

**Shri Jawaharlal Nehru:** That is so.

**Dr. Deshmukh (Madhya Pradesh):** Will it be possible for the Leader of the House to give us a definite order in which the Bills would be taken up and also give us an assurance that that order will be followed?

**Mr. Deputy-Speaker :** As a matter of fact the order of the Bills has been there for nearly a week and we have been taking them up one after the other.

**Dr. Deshmukh :** Can we take it that that is final?

**Mr. Deputy-Speaker :** In all human probability it is final. The order is not ordinarily changed and besides enough notice has been given to Members.

#### PAPERS LAID ON THE TABLE

ANNUAL REPORTS AND AUDITED ACCOUNTS OF EMPLOYEES STATE INSURANCE CORPORATION FOR 1948-49 AND 1949-50.

**The Minister of Labour (Shri Jagjivan Ram) :** I beg to lay on the Table a copy of each of the Annual Reports and Audited Accounts of the Employees State Insurance Corporation for the years 1948-49 and 1949-50, in accordance with section 36 of the Employees State Insurance Act, 1948. [Placed in Library. See No. IV. 0.7 (7)].

#### PRESS (INCITEMENT TO CRIME) BILL.

**The Minister of Home Affairs (Shri Rajagopalachari) :** I beg to move for leave to introduce a Bill to provide against the printing and publication of incitements to crime and other objectionable matter.

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

"That leave be granted to introduce a Bill to provide against the printing and publication of incitements to crime and other objectionable matter."

\* The motion was adopted.

**Shri Rajagopalachari :** I introduce the Bill.

#### DELHI AND AJMER RENT CONTROL BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE.

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

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the control of rents

and evictions, and for the lease of vacant premises to Government, in certain areas in the States of Delhi and Ajmer, be extended upto Saturday, the 15th September, 1951."

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

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the control of rents and evictions, and for the lease of vacant premises to Government, in certain areas in the States of Delhi and Ajmer, be extended upto Saturday, the 15th September, 1951."

**Shri Kamath (Madhya Pradesh) :** On a point of clarification, may I know why exactly this extension has been asked for? Some days ago a similar extension in connection with an inter-related Bill—the Delhi Premises (Requisition and Eviction) Bill—was asked for and certain reasons were given with regard to that which the House ultimately accepted. On this Bill, which is related to the other one, the Select Committee Report is not ready and the hon. Minister asks for time. It behoves the hon. Minister to make a statement today as to what circumstances have been responsible for this delay in the presentation of the Select Committee Report on this Bill.

**Shri Gadgil :** I am obliged to the hon. Member for giving me this opportunity to clear up matters. As far as the Delhi Premises (Requisition and Eviction) Bill is concerned I am happy to tell the House that the Select Committee has concluded its consideration and has come to some unanimous understanding and the same is being embodied in the Report, which will be submitted to the House in the course of two or three days.

10 A. M.

As regards this Bill the Committee decided that a special procedure should be followed, namely of giving opportunity to the tenants' association and the landlords' association of being heard by the Committee. If this procedure had not been followed, probably I would have been in a position to submit the Report of the Select Committee today. As a matter of fact a conference was held before the Bill was actually drafted, which was attended by representative citizens of Delhi, representatives of tenants and of landlords and after taking their viewpoints the Bill was drafted. The Committee decided when it met a few days ago that it would be more democratic to do so, and with that view I

agreed; and representatives of the tenants' association as well as the representatives of the landlords were heard. The Select Committee will be sitting continuously next week and before the 15th September, it is hoped, the Report will be presented. These are the circumstances which I am sure the House will appreciate.

**Shri Kamath :** It is quite satisfactory.

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

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the control of rents and evictions, and for the lease of vacant premises to Government, in certain areas in the States of Delhi and Ajmer, be extended upto Saturday, the 15th September, 1951."

The motion was adopted.

#### EVACUEE INTEREST (SEPARATION) BILL.

#### EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

**The Minister of State for Rehabilitation (Shri A. P. Jain) :** I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to make special provisions for the separation of the interests of evacuees from those of other persons in property in which such other persons are also interested and for matters connected therewith, be extended upto Monday, the 10th September, 1951."

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

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to make special provisions for the separation of the interests of evacuees from those of other persons in property in which such other persons are also interested and for matters connected therewith, be extended upto Monday, the 10th September, 1951."

The motion was adopted.

#### GOVERNMENT OF PART C STATES BILL.—contd.

#### Clause 26.—(Extent of legislative power).—contd.

**Mr. Deputy-Speaker :** The House will now proceed with the further considera-

tion of the Government of Part C States Bill.

**Shri Kamath (Madhya Pradesh) :** Before proceeding further, may I, Sir, in all humility make a suggestion for the consideration of the hon. Minister and of the House? After hearing the Home Minister yesterday it appears to me that there is a fair scope for *via media* between the proposal of Mr. Deshbandhu Gupta or Pandit Thakur Das Bhargava and that of the Home Minister, and if the House can adjourn for half an hour or so, it is very likely that a compromise proposal on this subject can be arrived at—a *via media* between the Home Minister's proposal and the proposal of Mr. Deshbandhu Gupta.

**The Minister of Home Affairs (Shri Rajagopalachari) :** Let me make it clear that there has been no such agreement of that kind, otherwise I should have been trying to carry it out. There is no such thing, but I tried my best to persuade him both inside the House and outside the House.

**Mr. Deputy-Speaker :** The House will now proceed with further consideration. We have already taken much time over this Bill. The time so far taken is as follows :

On the 25th ..	1 hour	29 minutes.
.. 27th ..	3 hours	28 "
.. 28th ..	3 "	43 "
.. 29th ..	3 "	34 "
.. 30th ..	3 "	36 "

We have spent in all 15 hours 50 minutes over this Bill which has been discussed threadbare. For private consultations it was held over once; again time should not be taken unnecessarily. I am only suggesting to the House that they must bear in mind the other many important Bills mention of which has been made by the Leader of the House.

**Shri Rajagopalachari :** I might inform the hon. Member, Shri Kamath that he himself referred to the whole process as continuous loud thinking.

**Shri Kamath :** Continuous thinking.

**Shri Rajagopalachari :** I might also tell the House that my hon. colleague the Minister of States will continue the discussion and he is going to assure the House that there is plenty of room for further accommodation...

**Shri Deshbandhu Gupta (Delhi) :** Before the House proceeds with the further consideration of the Bill, may I seek a clarification of an important statement made by the hon. Minister yesterday in the course of his speech? He said the area of Government land

[Shri Deshbandhu Gupta]

under the Improvement Trust was 19,840 acres and the value was near about a lakh of rupees per acre which comes to about Rs. 200 crores. On the other hand, in the Improvement Trust Enquiry Committee's Report I find that the *nazul* or Government land under the Delhi Improvement Trust comes to a total of 1236 acres, and all that is undeveloped land. So I would request the hon. Minister kindly to enlighten the House as to how this sixteen times higher figure was given to him.

**Shri Rajagopalachari:** I have great pleasure in reading the note that I have with me :

*Nazul* land that is Government land, in New Delhi area under the management of the Committee. . . . . 450 acres

**Shri Deshbandhu Gupta:** Not under the Trust?

**Shri Rajagopalachari:** Under the Committee. Then—

<i>Nazul</i> Trust lands under the Delhi Improvement Trust	5550 acres
<i>Nazul</i> land under the Development Officer	9227 "
Area covered by roads, service lanes	4613 "
<b>TOTAL</b>	<b>19840</b>

The value of this the hon. Member knows—he is in a better position than I am to know.

**Shri Deshbandhu Gupta:** Does the statement make out that this land of 19,000 acres odd is under the Improvement Trust?

**Shri Rajagopalachari:** I think even when I spoke yesterday I did say enough to prevent any such mistake.

**Shri Deshbandhu Gupta:** The hon. Minister—I am referring to his speech—had said that the area of Government land in the possession of the Improvement Trust—I am speaking only of Government land and not of other lands—comes to 19,840 acres. And here is the latest report which says it is only 1,236 acres. This is a very great disparity and I would like the hon. Minister to check up his figures.

**Shri Rajagopalachari:** I shall certainly check up, but nothing depends on that. It is quite possible that the arithmetical figure given by the hon. Member may be reached after making certain deductions, but the question is of the total value of land that is to be transferred to the Delhi Government

if the amendment of the hon. Member is accepted. I was dealing with that question and not with any particular amount of land. If the total value of land that the amendment seeks to put in the hands of the new Legislature is taken into account, the list that I have given would be relevant.

**Shri Deshbandhu Gupta:** I have already conceded that Government lands in New Delhi were not covered by the Improvement Trust, so I have no objection to their remaining with the Government. The point under discussion is that the total land under the Improvement Trust, according to the latest figures, comes to 1,236 acres, the value of which will be, according to the hon. Minister's calculation itself, Rs. 12 crores, whereas the value of the extent of land given by the hon. Minister will be Rs. 200 crores—it gives an entirely erroneous impression.

**Shri Rajagopalachari:** I am very sorry that this discussion is carried on, but as regards the particular amount of land under the Improvement Trust, its importance should also be realised from another point of view, namely that they have, I think, practically attended to the whole of the work that they had and there is now only a limited amount of disposition of these lands to be continued—that also is a reason why we should not now change horses.

**Mr. Deputy-Speaker:** Both the hon. Members have already spoken. Is it necessary to pursue this any more. After all, deductions are made.....

**Shri Rajagopalachari:** The two questions are very different. As regards the particular amount of acreage in the hands of the Improvement Trust to be disposed of, I have not got the papers with me now but I may say from memory that the total amount has been largely disposed of by them and there is only a limited amount to be disposed of. Therefore, the argument is that we should not change horses now. But as regards the total value of land, as proposed in general terms, it would come to this: we are not going to sell the lands; we are not going to sell the roads and streets; but the total value of land going over to a new Legislature, of which seven or eight members will be the dominant force is not safe.

**Shri Deshbandhu Gupta:** I would request the hon. Minister to re-check the figures because there is a very big disparity.

**Mr. Deputy-Speaker:** Now I shall call Mr. Indra Vidyavachaspati who was on his legs.

श्री इन्द्र विद्यावाचस्पति : उपाध्यक्ष महोदय, इस विषय पर अब तक इतना चाद विवाद हो चुका है और वैसे भी मेरी बहुत कम बोलने की आदत है। मैं शायद कुछ न कहता, लेकिन मैं समझता हूँ कि दिल्ली के बारे में यहां हमेशा एक ही दृष्टिकोण आता रहा है, दूसरा दृष्टिकोण नहीं आया है, इसलिये मेरे लिये झोलना आवश्यक हो गया है और मैं उस को आप के सामने रखना चाहता हूँ ताकि आप को और हाउस को और गवर्नमेंट को आखिरी फैसला करने में कुछ मदद मिले।

मैं शुरू में ही यह कह देना चाहता हूँ कि जो संशोधन हमारे माननीय गोपाल-स्वामी आंध्रगर की तरफ से पेश किये गये हैं, या जो संशोधन पंडित ठाकुर दास भागव और लाला देशबन्धु गुप्ता की तरफ से पेश किये गये हैं, मैं उन सब का विरोध करने के लिये खड़ा हुआ हूँ। कठ लाला देशबन्धु गुप्ता ने जो इतन परिश्रम और धैर्य से तैयार की हुई स्पीच दी थी, भाषण दिया था, मैं उस की हृदय से प्रशंसा करता हूँ। उन्होंने दिल्ली वालों का केस इतनी सुन्दरता से यहां रखा, दिल्ली वालों की शिकायतें उन्होंने इस अच्छी प्रकार से रखीं और दिल्ली सरकार की गलतियां इतनी भली प्रकार से बतलाई, कि उस के लिये अगर हम सारे दिल्ली के नागरिक उन के कृतज्ञ हों तो कोई अतिशयोक्ति न होगी। परन्तु साथ ही मैं इतना अवश्य कह देना चाहता हूँ कि उस सारे भाषण से जो परिणाम उन्होंने निकाला, मैं उस से बिल्कुल असहमत हूँ। उन का केस यह था कि गवर्नमेंट आज जिस ढंग से दिल्ली का शासन कर रही है, वह बिल्कुल गलत है, उस में हर तरह की बुराइयां हैं, और दिल्ली वालों को उस से बहुत कष्ट है, यह उन्होंने बतलाया और मैं समझता हूँ

कि जो कुछ उन्होंने बतलाया उस से भी ज्यादा दोष आज इस वक्त सरकार में है और उन्होंने जितनी बातें बतलाई, उन के सिवा और भी बहुत सी बातें उस के सम्बन्ध में कही जा सकती हैं। बाहर के जितने क़ानून, उत्तर प्रदेश के हों, या पंजाब के हों, जो खराब क़ानून होते हैं, दमनकारी क़ानून होते हैं, वह सब यहां ले लिये जाते हैं, लेकिन अच्छे क़ानून नहीं लिये जाते। बम्बई में ऐन्टी बाइगैमी ऐक्ट (Anti-Bigamy Act) है, बहुत दिनों से कहा जाता है कि उस को यहां ले लीजिये, लेकिन नहीं लिया जाता, परन्तु बुराइयां सब ले ली जाती हैं, दमनकारी क़ानून सब ले लिये जाते हैं। दिल्ली वालों की शिकायत बहुत ठीक है और दिल्ली की सरकार के दोष भी ठीक हैं, इस का परिणाम उन्होंने यह निकाला कि दिल्ली के नागरिकों को यह अधिकार होना चाहिये कि वह अपने प्रान्त का शासन स्वयं करें, मैं उन के इस परिणाम को ठीक समझता हूँ। दिल्ली वालों को अपने प्रान्त का शासन स्वयं करने का उतना ही अधिकार है जितना कि अन्य प्रान्त वालों को, उत्तर प्रदेश को, पंजाब को और बंगाल वालों को है, उस से किसी प्रकार कम नहीं है। ऐसी हालत में पूर्ण प्रान्तीय स्वराज्य से कम कोई चीज़ दिल्ली वाले कदापि नहीं लेंगे। मैं नहीं समझता कि आखिर दिल्ली वाले पूर्ण स्वराज्य से कम कोई चीज़ क्यों लें? क्या उन्होंने अपने आप को स्वराज्य के संग्राम में किसी से कम योग्य सिद्ध किया है? वह देश के स्वाधीनता संग्राम में किसी से पीछे नहीं रहे हैं, जब पीछे नहीं रहे हैं, तो वह यह घाटेया स्थिति क्यों मंजूर करें? आप जानते हैं हम दिल्ली के नागरिक क्या अनुभव करते हैं। मैं समझता हूँ कि सरकार ने राजनैतिक क्षेत्र में चार जातियां बनाई हैं।

[ श्री इन्द्र विद्यावाचस्पति ]

पार्ट ए स्टेट्स ब्राह्मण के स्थान पर हैं, पार्ट बी स्टेट्स क्षत्रिय, पार्ट सी स्टेट्स वैश्य, उस के नीचे जो शूद्र क्लास है वह चौथा वर्ण है उस में आप ने दिल्ली को रखा है जिस को वह अधिकार भी नहीं मिला जो अन्य पार्ट सी स्टेट्स को मिला है। दिल्ली को जो आप ने चौथे वर्ण शूद्र में रखा है, उस को हम दिल्ली वाले कदापि मंजूर नहीं कर सकते। यही बात मैं गवर्नमेंट से कहना चाहता हूँ और लाला देशबन्धु गुप्ता से कहना चाहता हूँ कि अगर वह इस पर कोई कम्प्रोमाइज़ (Compromise) करेंगे, तो दिल्ली वाले उस को कभी मंजूर नहीं कर सकते। आज से दो साल पहिले जब कि यह प्रश्न उठा था कि दिल्ली को प्रान्तीय शासन दिया जाय तब मैं दिल्ली के नागरिकों की तरफ से गृह मन्त्री सरदार पटेल से मिला था और मैं ने उन से कहा था कि आप अपनी स्थिति बतलाइये, उस समय उन्होंने स्पष्ट शब्दों में जो स्थिति बतलाई, उस में दो चीजें थीं। पहिली चीज यह थी कि नई दिल्ली को हम दिल्ली के साथ शामिल नहीं करेंगे, दूसरी यह कि वर्तमान स्थिति में हम दिल्ली को पूर्ण प्रान्तीय स्वराज्य नहीं देंगे और यह दोनों बातें मेरे दिल में बैठ गई, क्योंकि आम तौर पर सरदार पटेल वही कहते थे जो वह सोचते थे, वह इस तरह के पोलिटीशियन (Politician) नहीं थे जो लाउड थिंकिंग (Loud thinking) करते हैं, वह जो कहना चाहते थे, उस को सोच कर कहते थे। उन्होंने ने यह दो बातें मुझ से कहीं, मेरा उन पर विश्वास था और मैं ने समझा कि वह ठीक है कि गवर्नमेंट की यह स्थिति है, हालांकि मेरी राय उस के विपरीत थी। उस के बाद नेशनल क्लब दिल्ली में एक कनवेंशन (Convention) हुआ जिस में यह प्रस्ताव पास किया गया कि

दिल्ली को लेफ्टिनेन्ट गवर्नर का प्रान्त बनाने की सिफारिश की जाय, मैं ने उस समय इस प्रस्ताव पर बोलते हुए यह कहा था कि मैं बिल्कुल इस का विरोधी हूँ, मैं समझता हूँ कि लेफ्टिनेन्ट गवर्नर का प्रान्त दिल्ली को नहीं बनाया जा सकता। अंग्रेजी राज्य काल में लेफ्टिनेन्ट गवर्नर और डायारकी (dyarchy) को दफना दिया जा चुका है, लेफ्टिनेन्ट गवर्नर को दिल्ली की मांग में सेंदुर भरने के लिये आज कब्र से निकाला जा रहा है, दिल्ली उस को कदापि मंजूर नहीं कर सकती। ऐसे सुहाग से तो रंडापा भला। हम ऐसा सेंदुर नहीं चाहते, हम इस को अपना घोर अपमान समझते हैं। चीफ कमिश्नर तो हैं ही, उन की जगह एक लेफ्टिनेन्ट गवर्नर को और निकाल कर हमारे ऊपर रख दिया जाय, हम इस को स्वीकार नहीं कर सकते। मैं ने उस समय भी कहा था कि मेरा ऐसा विश्वास है कि आप को कुछ नहीं मिलेगा। जो आप चाहते हैं वह नहीं मिलेगा, लेकिन मेरे भाई देशबन्धु जी और दूसरे मित्र यह कहा करते थे कि नहीं, हम को इस के लिये यत्न करते रहना चाहिये और गवर्नमेंट से हमें कहना चाहिये, ऐसी भी क्या बात है कि हमारी रीजनेबुल (reasonable) बात को वह नहीं मानेगी। तो मैं ने उस समय कहा था कि मैं हृदय से आप की सफलता के लिये शुभकामना करता हूँ। दो साल तक लाला देशबन्धु गुप्ता इस के लिये प्रयत्नशील रहे और मैं इस बात की तारीफ कहां कि उन्होंने बड़ी दृढ़ता से सरकार के साथ रसाकशी की है और उन्होंने इस सिलसिले में बड़े बड़े आश्वासन और वचन लिये हैं, लेकिन आप देखते हैं कि उस में से क्या निकला, उस लम्बे समुद्र मंथन से यह निकला कि हमारे माननीय मंत्री ने एक संशोधन पेश किया और कहा कि हम

दिल्ली के लिये यह दे सकते हैं जो हमारी मांगका एक तिहाई हिस्सा भी नहीं है। वह दिल्ली वालों को मांग की पूरा नहीं करता। जब वह सरकार का संशोधन हमारी मांग को पूरा नहीं करता, तो हम उस को स्वीकार कैसे कर सकते हैं? मुझे तो आश्चर्य हुआ जब मैं ने लाला देशबन्धु गुप्ता की स्पीच को सुना, उन के पास जितने फ़ैक्ट्स (Facts) हैं, फ़िगर्स (Figures) हैं, उन सब को देख कर मैं यह सोचता हूँ कि मेरे भाई के दिमाग में यह बात कैसे आई कि हम उन संशोधनों को स्वीकार कर लें, या उन से मिलती जुलती कोई भी चीज़ स्वीकार कर लें। मैं पंडित ठाकुर दास भागव और गुप्ता जी के संशोधनों पर बहुत आश्चर्यचकित हुआ। आप चाहते हैं कि हमारे हाथ पांव बांध दो और हमें गद्दी पर बिठा दो।

अगर हमारे हाथ पांव बांध दिये जाते हैं और हमें गद्दी पर बिठा दिया जाता है, तो उस का क्या अर्थ रहता है, हमें शासन कार्य में पूर्ण अधिकार नहीं रहता, कानून बनाने में पूर्ण स्वतन्त्रता नहीं, पुलिस के ऊपर कोई अधिकार नहीं, पानी के ऊपर कोई अधिकार नहीं, प्रकाश विजली के ऊपर कोई हमारा अधिकार नहीं, तो फिर आखिर हमारे अधिकार में रहता क्या है, सिवाय खाली आसमान के। खाली आकाश पर हम दिल्ली वालों को अधिकार दिया जा रहा है। इस तरह हमारे हाथ पांव बांध कर वह हमें कहते हैं कि हम तुम्हें गद्दी पर बिठा दें, तो वह हमें मंज़ूर नहीं है। मुझे बड़ा आश्चर्य होता है कि लाला देशबन्धु गुप्ता और पंडित ठाकुर दास भागव ने कैसे यह संशोधन रख दिये। मैं लाला देशबन्धु गुप्ता से जो दिल्ली की ओर से हमारे प्रतिनिधि ह, कहता हूँ कि आप इस को कभी स्वीकार न करें, और आप

अपने संशोधन को अपने आप वापिस ले लें, क्योंकि दिल्ली वाले इस को कभी स्वीकार नहीं करेंगे। पंडित ठाकुर दास भागव से मैं यह कहना चाहता हूँ कि किसी ऐसे प्रान्त के सदस्य को जिस के यहाँ पूर्ण प्रान्तीय शासन चल रहा हो, दिल्ली के बारे में पेश ऐसे संशोधन के पक्ष में अपनी राय नहीं देनी चाहिये और मैं उन से यह उम्मीद रखता हूँ कि वह दिल्ली के माथे पर यह कलंक का टीका नहीं लगायेंगे। उन को क्या अधिकार है कि वह ऐसे संशोधन पर अपना कोई वोट दें और कह दें कि दिल्ली वालों को आप यह दे दें? मुझे तो यह देख कर बड़ा अफ़सोस होता है।

मुझे उन की मनोवृत्ति पर बड़ा दुःख होगा जो अन्य प्रान्तों के लोग दिल्ली के लिये ऐसे अपमानजनक कानून को स्वीकार करने की राय देंगे। देशबन्धु जी तो देंगे नहीं, मैं चाहता हूँ कि और सब लोग भी न दें। अब देशबन्धु जी का भ्रम दूर हो गया होगा। उन को जो भ्रम था वह यह था कि जो कुछ मंत्री लोग कहते हैं वह उन का आश्वासन है और वह ज़रूर पूरा होगा। शायद महात्मा गांधी जी की सत्य नीति के अनुसार उन्होंने लाउड थिंकिंग बन्द कर दिया है, जो सोचते हैं वही करते हैं, लेकिन इतने भाषण सुनने के बाद अब वह भ्रम दूर हो गया होगा। अब तक उन की बातों पर आप ने बहुत विश्वास किया कि वे बात के घनी हैं और अपना वादा ज़रूर पूरा करेंगे। लेकिन अब यह भ्रम दूर होने पर वह इस का सहारा न लें। वह तो टूटी हुई लकड़ी है।

अब उन का यह भ्रम भी दूर हो गया होगा कि उन्होंने दो साल तक यह समझा कि ज्यों ज्यों हम रीज़नेबल होंगे, त्यों त्यों हम गवर्नमेंट को रीज़नेबल बनाते जायेंगे।

[ श्री इन्द्र विद्यावाचस्पति ]

वह नहीं हुआ। ज्यों ज्यों वह रीज़नेबल होते गये त्यों त्यों गवर्नमेंट अनरीज़नेबल होती गई। अपने आप रीज़नेबल हो कर गवर्नमेंट को रीज़नेबल होने का यत्न असफल हो गया। अब तो देशबन्धु जी को कहना चाहिये कि हम यह सब कुछ नहीं लेंगे। हम पूर्ण प्रान्तीय स्वराज्य से ज़रा भी कम न लेंगे। हम आन्दोलन करेंगे, सब उपाय काम में लायेंगे। चाहिये तो यह था कि खुद गवर्नमेंट रीज़नेबल हो जाती, लेकिन चूंकि देशबन्धु जी झुकते गये, सरकार कठोर होती गई। ऐसे समयों पर यदि हम अडिग रहें तो सोचा जाता है कि कुछ न कुछ ले कर रहेंगे, लेकिन चूंकि हम रीज़नेबल थे उन्होंने सोचा कि चलो, काठ का घोड़ा दे कर ही खुश कर लो। उन्होंने ने हमें खिलौना दे कर खुश करना चाहा। मेरी सरकार से प्रार्थना है कि आप दिल्ली के बारे में इस बिल में से सब कुछ खींच लीजिये। मैं समझता हूँ कि अगर आप दिल्ली वालों से राय लेंगे तो वह कभी सहमत न होंगे। वह नहीं मानेंगे कि हमें काठ का घोड़ा दे दें। वह कहेंगे कि हमें सवारी का घोड़ा दो आज नहीं तो कल ही सही, और अगर न दोगे तो हम अपने आन्दोलन से ले लेंगे। इसलिये मैं सरकार से कहूँगा कि वह इस बिल से दिल्ली का सारा रीफरेंस ( Reference ) खींच लें नहीं तो वह गुनाह से लज्जत होगा।

भक्षितेऽपि लशुने न शान्तो व्याधि :

लहसुन भी खाया और रोग भी नष्ट न हुआ। आप देंगे भी और दिल्ली वालों को शिकायत भी होगी। अगर यह रूप बना रहा तो भी हम आन्दोलन करेंगे, शोर मचायेंगे, आप को परेशान करेंगे। लेकिन अगर आप इसे कर लेंगे, तो हम समझेंगे कि अब क्षेत्र खूला हुआ है। हम और आप फ़िसला करेंगे,

सोचेंगे और काम करेंगे परन्तु हम यह संशोधन पास कर के अपने माथे पर कलंक का टीका नहीं लगाना चाहते और अपनी अयोग्यता पर मुहर नहीं लगाना चाहते।

मैं ने एक और दृष्टिकोण आप के सामने रख दिया है ताकि आप गौर कर के और सोच कर इस बारे में कोई निश्चय करें। वह नहीं कि दिल्ली वालों को जो आप देंगे वह लेकर संतुष्ट हो जायेंगे, मैं कहता हूँ कि वह कदापि इस को नहीं लेंगे।

(English translation of the above speech)

**Shri Indra Vidyavachaspati** (Uttar Pradesh): Sir, already sufficient discussion has taken place on this subject. Also it is not my habit to speak frequently. I might not have, therefore, risen to speak. But I think there has always been entertained only one-sided point of view about Delhi here and the other aspect has always been ignored. Therefore it has become necessary for me to put forth my viewpoint before you in order that it might help you, the House and the Government in making the final decision.

I should make it clear in the very beginning that I have stood to oppose the amendments moved by the hon. Shri Gopalaswami Ayyangar, Pandit Thakur Das Bhargava and Shri Deshbandhu Gupta. I have all praise for the speech of Shri Deshbandhu Gupta prepared with so much industry and patience. He put the case of Delhi people so beautifully and conveyed their complaints and the mistakes of Delhi Administration so clearly that it would not be too much if the citizens of Delhi feel grateful to him for that. However, I am unable to agree with him in the ultimate conclusion he has reached. He explained how the present day administration of Delhi was being run on wrong lines and was full of grave defects and how the people of Delhi were undergoing hardships and sufferings. I think, however, that the



defects are much more numerous than what he has stated and many other things could be said in that connection. Oppressive laws of outside States, such as those of Uttar Pradesh and Punjab, or of any other place, are taken up and applied here but good laws are not adopted. Bombay has an Anti-Bigamy Act. It has been urged for long that this Act should be made applicable here. But that is not done while all evil things and all oppressive laws are adopted. The complaints of Delhi people are perfectly justified for the administration of Delhi is infested with grave defects. He therefore, drew the conclusion that self-government for Delhi was the remedy. I think it is a right conclusion and Delhi people have no less right to govern themselves than the people of Uttar Pradesh, Punjab, Bengal or any other Province. They would not be prepared to accept less than full responsible Government for Delhi. And after all why should they? Did they prove themselves lacking during the days of the struggle for independence? The fact is that they have not lagged behind anybody in the battle for freedom and, therefore, there is no ground to make them accept that lower status. Are they aware what we the citizens of Delhi feel? We feel that the Government have created four castes in the political sphere. Part A States represent the Brahmins, Part B stand for the Kshatriyas, Part C the Vaishyas while Delhi has been placed in the position of the fourth caste of Shudras, since Delhi has not been given even those rights that have been conferred upon the other Part C States. The citizens of Delhi will not accept that position. I want to tell the Government and Shri Deshbandhu Gupta that the Delhi people will not accept any compromise they may make on this issue. Two years back when the question of self-Government for Delhi was raised, I had met Sardar Patel the hon. Minister of Home Affairs as a representative of the Delhi people for a clarification of the position. He explained the position in clear words in which he made two points. Firstly, he said, they would not combine New Delhi with Delhi. Secondly, they could not concede complete self-Government to Delhi under the prevailing conditions. I reconcile myself to his views for I knew that Sardar Patel was a man who spoke what he thought. He was not one of those politicians who indulge in loud thinking; whatever he said he said after due thought. He told me these two points and I accepted that position as correct with reference to the situation in which the Government was then placed, although my views differed. After that a

convention was held in the National Club, Delhi in which a resolution was passed to the effect that the Government should be requested to make Delhi a Lieutenant Governor's Province. Speaking on that occasion I had expressed myself entirely against that proposal. Lieutenant Governor and Dyarchy were buried even in the time of the British, and that Lieutenant Governor was being exhumed to be wedded to Delhi. A widowed Delhi was better off compared to such a wedlock. We do not want such a union; we consider it a great insult. The Chief Commissioner was already there, why bring in a Lieutenant Governor? We could never reconcile ourselves to that position. At that time too I had said that Delhi was not going to get what the people wanted. But my friend Shri Deshbandhu Gupta and others said that was not so, that we must make an endeavour and put our case before the Government and that they would agree to our reasonable demands. I said I heartily wished them success. For two years Shri Deshbandhu Gupta continued his efforts, and I must praise him for his firm stand against the Government, in a kind of tug of war on this issue and for eliciting from them big assurances and promises. But the result of all that is before you. The hard and long struggle has resulted in the amendment which the hon. Minister has placed before us embodying not even one-third of our demands. When the Government amendment does not fulfil our demand, how can we accept it? When I heard Shri Deshbandhu Gupta with so many facts and figures that he gave, I was left wondering as to how it entered into his head that we should accept that amendment or something near to it. I was also very much surprised at the amendments of Pandit Thakur Das Bhargava and Shri Gupta. In effect, they mean to put us on the throne with hands and feet tied. If we are put into that position that means that we do not have full authority in our administration, have no freedom in making laws, have no authority over police, water and electricity. What is left to us, then, but the open sky? We the Delhi people are being granted rights which have no substance. We do not require rights. With our hands and feet tied we would not accept this honour. I am surprised how these amendments were put fourth by Shri Deshbandhu Gupta and Pandit Thakur Das Bhargava. I would request Shri Deshbandhu Gupta, who is our representative from Delhi, not to accept that amendment and also to withdraw his own amendment for the Delhi people are never going to accept them.

[Shri Indra Vidyavachaspati]

To Pandit Thakur Das Bhargava I say that no person coming from a State having complete self-Government should support such an amendment and I hope he would not put a blot on the fair name of Delhi. What right has he got to cast his vote on such an amendment and to say that such and such powers should be given to Delhi? I am indeed very much shocked at this attitude. If the Members belonging to other States would vote for such an insulting law, it would give me much pain. Not only Shri Deshbandhu but none else should vote for that amendment. I hope Shri Dashbandhu must have been disillusioned. He was under the delusion that the assurances the Ministers give are generally carried out, that they have stopped loud thinking acting upon Mahatma Gandhi's principles of truth. But now he must have been disillusioned after hearing so many speeches. So far he had pinned his faith on their promises, but after this disillusionment he would not hang his hopes on them; they are broken sticks.

For the last two years he has entertained the hope that by growing more and more reasonable ourselves we should also be making the Government grow more reasonable. But that did not happen. As we grew reasonable the Government grew unreasonable. The endeavour to make the Government reasonable through our own reasonableness has failed. Now Shri Deshbandhu should declare unequivocally that we are not going to accept anything less than complete autonomy and shall agitate for it and employ all possible means for its achievement. The right thing for the Government were to show reasonableness but since Shri Deshbandhu became submissive the Government became adamant. If on such occasions we take a firm stand we should be able to secure something but since we were reasonable, they thought they could satisfy us with a wooden horse. They wanted to please us with a toy. I would urge the Government to withdraw everything from the Bill relating to Delhi for only if the opinion of Delhi people were ascertained it would be found that they would never agree. They would not have the wooden horse; they would demand the real horse on which they could ride. I again, therefore, ask the Government to withdraw from this Bill all reference regarding Delhi or else it would be a thankless job. *Bhakshite api lashune na shanto vyadhih*: (The garlic was taken and still the disease did not disappear). The situation would be this: The

Government would concede something and still the people of Delhi would have complaints. And if that comes to be the position the people would agitate and would not let them rest in peace. But if it is withdrawn, we shall feel that the gate is open for us and we shall then communicate with the Government, give the matter due thought and proceed with a cool mind. But we are not going to pass this amendment simply to bring a slur on ourselves and put a stamp on our unworthiness.

I have put another viewpoint before you so that the decision may be taken only after careful consideration. The people of Delhi are not going to be satisfied merely with what you may be pleased to give them. They shall not accept this position.

**Mr. Deputy-Speaker:** Pandit Kunzru.

**Shri Sidhva (Madhya Pradesh):** I have tabled an amendment and yesterday I was promised by the Chairman that I would be definitely given an opportunity to speak. I am just bringing this to your notice.

**Mr. Deputy-Speaker:** I have called Pandit Kunzru.

**Pandit Kunzru (Uttar Pradesh):** I listened with great interest yesterday to the words which fell from my hon. friend the Home Minister and I wondered whether he and the hon. Minister of States had the same point of view. He deprecated our discussing this question yesterday, but their published speeches compel one to consider the matter carefully.

My hon. friend the Minister of States in winding up the debate on the amendments to clauses 1 to 10 of which he had given notice said that there was no reason why he should distrust democracy. He was confident that in the natural course of evolution the States in Part C would get responsible Government, however small they might be. His sturdy faith in democracy was very exhilarating. But the hon. the Home Minister in a speech yesterday, on the whole, laid more stress on good Government than on democracy. It seemed to me that he attached so much importance to good Government that he almost distrusted democracy. He feared that the people of Delhi would not be able to control the services in the same way as the Central Government could. That was, in his opinion, an almost conclusive reason for not altering the provisions of the Bill in favour of Delhi. This inconsistency between the speeches of the two Ministers makes one feel that

there is little coordination between the Ministers of the same Government either in regard to actions or in regard to their expressions of opinion.

My hon. friend Shri Devi Datt Pant—whom I am sorry not to find in the House today—said that he thought it better for Delhi that it should be governed by the collective wisdom of the people of India than that it should be governed only by the wisdom of the people of Delhi. But the tragedy of Delhi—as pointed out by my hon. friend Shri Deshbandhu Gupta—is that it is not governed by the collective wisdom of India. It is governed by the collective wisdom of the executive.....

**Shri Deshbandhu Gupta:** Not even that!

**Pandit Kunzru:**... for which the spokesmen of Delhi who have taken part in the debate do not seem to have much respect. They may be right or they may be wrong. But the point is that under the Delhi Laws Act it is not this House that is concerned with the enactment of new laws for Delhi but the executive.

Examples were quoted yesterday. So far as Washington is concerned, I can say that all laws relating to it, however unimportant they may be, are passed by the Congress. No power has been given to the executive to pass a law relating even to the smallest matter. Here laws relating even to important matters can be brought into force in Delhi by the executive. Laws passed by any Assembly in India may be adapted in the manner considered appropriate by the Central Government.

In this state of things we have to consider whether the claims of Delhi do not receive better consideration than Government have so far given them. My hon. friend Shri Indra Vidyavachaspati has asked Members coming from other parts of India not to press for anything less than full responsible Government in the case of Delhi. I realize his point of view, but frankly speaking I do not think that so long as Delhi has the honour or misfortune of being the capital of India it can be in exactly the same position as any other Part C State. The presence of the Government of India which confers an honour on it confers also an obligation on it however onerous it might be. I therefore think that my hon. friend Shri Deshbandhu Gupta was wise in taking the line that he did and trying to find a compromise between the views of the

Government and those of the representatives of Delhi who want full responsible Government.

When I was listening to the hon. the Minister of States yesterday I wondered whether he had taken account of the power that Parliament and the executive would enjoy under the Bill. He seemed to think that if my hon. friend Shri Deshbandhu Gupta's amendment was accepted the Delhi Legislature and the Ministry would be able to give effect to their wishes without being controlled either by this House or by the President. As a matter of fact, however, clause 26 of the Bill lays down that Parliament will have the right to pass laws on all subjects that would come within the purview of the Delhi Legislature. In this matter the Bill only gives effect to the provisions of the Constitution. Again, clause 45 of the Bill requires that "the Chief Commissioner and his Council of Ministers shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by the President". We shall have two kinds of control over the Ministry and the Legislature of Delhi—legislative and executive. Even before a law is placed before the Legislative Assembly the President can direct that it shall be placed in a particular form only, and it shall be the duty of the Chief Commissioner and the Ministry to comply with his direction. If during the course of the discussion any amendment is made that is repugnant to the provisions approved of by the President the Bill may not be assented to by the President. It may be referred back to the Assembly for amendment, or this House may be asked to pass a law setting at nought those provisions that are not approved of by the executive. In all these ways Parliament and the President can exercise so much control over the Ministry and the Legislature of Delhi that there seems to me to be little reason to fear that if the Legislature of Delhi was allowed to legislate in regard to police, public order and local self-Government the administration here of the police and local self-government here would deteriorate. But if in spite of the restrictions on provincial autonomy that I have pointed out Government are nervous with regard to the possible consequences of allowing the Legislature to legislate with regard to police, law and order etc., they can, without preventing the Legislature from passing any law on these subjects, introduce a provision that would be as cautious as my hon. friend the Home Minister could desire.

[Pandit Kunzru]

I draw the attention of the House in this connection to the second proviso to clause 41 of which the hon. the Minister of States has given notice. This proviso runs as follows:

"Provided further that in the State of Delhi every decision taken by a Minister or by the Council in relation to any matter concerning New Delhi shall be subject to the concurrence of the Chief Commissioner, and nothing in this subsection shall be construed as preventing the Chief Commissioner in case of any difference of opinion between him and his Ministers from taking such action in respect of the administration of New Delhi as he in his discretion considers necessary".

This provision could be extended so as to cover legislation in regard to police, law and order, corporations and local self-government generally. Would not such a provision provide an ample safeguard? It would not make the Legislature of Delhi as powerless as it would be under the Bill. I do not know what that Legislature will do if it is deprived of these vital powers. It will be a toy Legislature given to the people of Delhi to amuse them.

I think that what I have said is sufficient to show that even the most cautious administrator need not have any hesitation in extending the powers of the Ministry and the Legislature in the manner desired by my hon. friend Shri Deshbandhu Gupta. So long as Government adhered to the fundamental basis of the Bill, as introduced in this House in May, last, their position was fairly strong but as, after the mature thought that they have given to the subject in May last, they have come to the conclusion that the people must be trusted, there was no reason why the smallest areas should not have responsible Government ultimately. I do not see how they can consistently maintain that the Ministry and the Legislature of Delhi should be subject to the drastic restriction that they seek to impose on it by the amendment to clause 26. I think, in view of the new light that has dawned on Government, they should think over the problem of Delhi again and try to give a more sympathetic consideration to the claims of the people of Delhi than they have so far unfortunately done. I have no doubt that if the safeguards to which I have drawn attention are adopted, their fears will prove groundless. If they go further, the people of Delhi will have just cause to resent their distrust of them.

**Rev. D'Souza (Madras):** I have been following this debate with a certain amount of interest, not indeed personal interest which would naturally come to a citizen of Delhi, but as one interested very profoundly in the future of the capital of India. I make this brief speech with a due sense of trepidation, if I may say so, because I should not like to be misunderstood as in any way lacking in sympathy with the just demands of the people of Delhi. We who come from many different parts of India and have been in Delhi off and on during the last five or six years have conceived in our hearts a very great affection for the people of this capital and a great appreciation for their habitual courtesy and the friendliness which we receive here. We have also been deeply struck by the courage, the persistence, the single-minded enthusiasm with which my hon. friend, Shri Deshbandhu Gupta has defended the cause of his fellow citizens; and if I may say so, without being considered personal, I admire him very much as I listened to his two hour speech. He was as fresh at the end of it as at the beginning and he reinforced his arguments with a calmness which I think has gained for him a great deal of fully deserved sympathy. Therefore, if I say anything now from the point of view of an outsider residing in Delhi, which may not be completely in harmony with what he has said, I trust that it will not be taken as something that is said in the spirit of partisanship.

I approach this problem not so much as a denial or as a granting of self-government or home rule as it has been very frequently put forward and as our most respected friend, Pandit Kunzru has just now expressed it. If the question was simplified in that manner, there can be no two opinions regarding it. We are all committed to the idea of self-government or home rule of full democracy. The question is whether in the capital of India by the reservation of certain powers in the hands of the Central Government democracy in the broad sense is in any way jeopardized and whether in the ultimate analysis and in a longer view it is not one of the means precisely to safeguard democracy in the country as a whole. What is the purpose of these safeguards and these reservations? It is that the Government of democratic India as a whole may be more assuredly carried out and with lesser risk, during a certain period at any rate, to the tranquillity, to the order, to the dignity, to the cohesion and unity of the administration of our great capital. As the Home Minister explained, it is not a

total denial of certain legitimate claims which the people of Delhi have. It is open to Government and to the claimants on behalf of Delhi to bring in an amending Bill at a later stage. The question is, is there a certain risk in a complete administration of the city of Delhi by the people of Delhi, with the State of Delhi comprising of two cities or, rather one city with its two parts and 300 villages making in all two million people? Nothing can prevent an extension of that Government by the people of Delhi but under present conditions is there a certain risk involved in that complete transfer of administration? It seems to us trying to judge this question as sympathetically as possible and in as detached manner as possible that there may be some risk as I said, to the efficiency, to the completeness, and to the cohesion of that Government by such a transfer. By saying this I cast no aspersion at all upon the capacity or the patriotism or the will of the people of Delhi. If Shri Deshbandhu Gupta is an example of that capacity, we should never have any fear about it, but I say the obligations and responsibilities of the administration of the capital may be such as are beyond the capacity, naturally, of a small State like the State of Delhi with its population and its financial resources.

Let me take up this first question: I have been trying to find all these four or five years what precisely is the difference in the sense of separation or lack of identity, between Old Delhi and New Delhi, those who now support the claims of the State of Delhi and oppose the desire of the Central Government to control to a large extent the administration of the capital are willing to concede that New Delhi should be so controlled. The more I see these places, the more I realize that New Delhi and Old Delhi cannot be separated, because they are intimately linked up not only by personal contacts but also geographically, commercially, and in many other ways. Most of the things we need such as food, cloth etc. have to come to New Delhi from Old Delhi. If one wants to visit the most imposing monument in our capital that is, the Red Fort one has to go to Old Delhi. I do not think that there is a sharp distinction between Old and New Delhi. The University of Delhi caters to the whole population living in Old as well as in New Delhi and that will remain a Centrally-administered subject. Therefore, I submit that the sharp and artificial distinction between Old Delhi and New Delhi is not justified by the actual way in which the life of this great city is carried out. They act as one unit, and they feel as one unit; and that unity

reacts upon one another and the more this happens, the better it is.

I proceed further and submit that in regard to the responsibilities and the obligations of the administration of Delhi one of the points which my hon. friend, Shri Deshbandhu Gupta made out yesterday, reinforces rather the opposite point of view. He said, for instance, that previously only Rs. 13 or 14 lakhs of rupees were spent on Police—maintenance of law and order—and now it has gone beyond a crore. I ask you why is this so. It is precisely because the need for the maintenance of law and order and the payment that has to be made to the police forces or forces of security arise from the conditions and the needs of the capital. If there is trouble, if there is attention to be paid, if there is surveillance to be maintained, it is not because of the needs of Old Delhi and New Delhi, but because of the needs of the Central Legislature, Parliament House, Secretariat, Rashtrapati Bhavan and the presence of distinguished foreign representatives here. Therefore, by the very nature of things, there falls upon the administration of Delhi, by the presence of this Government, of this House and their other dependencies a responsibility which, by its very nature, the city of Delhi and its resources cannot, it seems to me, carry out.

There is another reason which has made me hesitate very much before giving adhesion to the claims put forward by Shri Deshbandhu Gupta. I was struck by the fact that the Pattabhi report was practically unanimous and the recommendations went to the full length of autonomy to Delhi. I was also struck by the fact that even responsible Members of Government declared themselves in a manner favourable to the substantial contents of that report. Why then is it that hesitation has crept in at this moment in the minds of people whose adhesion to democracy is genuine and whose desire to satisfy the needs of the people of this ancient region and ancient capital and meet the demands put forward through their spokesman, is real? Is there not something which has developed at the present moment which makes it necessary for us to run no risk whatever, so that there might be no possibility of law and order and administration breaking down? We are not living in normal times. Take the city of Delhi which is supposed to control the destinies of the country. Can my hon. friend Shri Deshbandhu Gupta assure me that Old Delhi and New Delhi have a population, stable, consistent in its views and background, having certain traditions,

[Rev. D'Souza]

with a certainty that those traditions will be applied and that the administration will be carried out with cohesion and that sense of continuity which other cities would have? I am sure this could not be said because we have the influx and reflux of foreign population—perhaps I am using the word "foreign" inadvisedly—let me say distant people coming in as refugees. He himself counted six lakhs as having come and settled down. Some of them may not settle down here permanently. Is it, under these conditions of fluctuation, a safe thing to leave the administration of this area to those elements of which no one could be absolutely sure in regard to their attachments, in regard to their ideas, in regard to their future or to their past? I do not blame.....

**Dr. Deshmukh** (Madhya Pradesh): Calcutta has a far greater refugee population.

**Rev. D'Souza:** But not in proportion to the rest; if my hon. friend would compare their number in proportion to the three or four millions in Calcutta, he will see that there is a difference. There is not the same importance attached to the city of Calcutta.

I do not deny for a moment that there is still room for compromise; I do not deny that there is still room for discussion. But, I believe that in broad outline, the control of the Central Government, at any rate for a certain time, is necessary until the traditions, ways and methods of the new Legislature are to some extent hardened and crystallised and ensure a certain continuity and regularity of fulfilment. We may take it for granted that it will. But, I say, if there is any risk—there may be a certain degree of uncertainty or fluctuation—then, it may not be safe to run this risk. That is all I wish to say on that aspect.

**Shri Deshbandhu Gupta:** May I interrupt the hon. Member and ask what has happened since the 4th August when the considered view of the Government was published in the form of a Government Press statement embodying the proposals that there will be no difference except that in New Delhi, the Chief Commissioner will have more positive powers? Nothing has happened since the 4th of August.

**Rev. D'Souza:** I am impressed by that argument. I would like to know more in detail. But considerations which I am putting forward had occurred to many Members of this House long before, and were

certainly implicit in our minds whenever the hon. Prime Minister said that Delhi is a case apart and a certain control by the Central Government would always be required as in the case of Washington D.C. and other capitals. We took it for granted that it would be so. I do not remember whether it was such a categorical unequivocal declaration as is put forward.

**Shri Deshbandhu Gupta:** I read the text of it.

**Rev. D'Souza:** I remember. But, I do not know whether that would be an argument against the objective merits of the case. It may be an example of inconsistency. Therefore, I am not in a position to answer the question why that was done. If there was any inconsistency, it is better to go back. But, the objective merits of the case are not affected by the change. That is all I would submit in regard to that point.

I do not wish to hold the House longer, because, as I said, I am in a very difficult situation. I want to approach this question like one of those that are here coming from different parts of India and trying to express our reactions spontaneously on a matter which affects all of us and that is why I have ventured, much to the displeasure of some of my very good friends, to make this intervention; I would not give it greater amplitude or greater scope than I had intended. But, we do understand the care and anxiety of the Central Government during at least a period of time not to run the risk of any difficulty in a capital, the responsibilities of which, the problems of which come in, not because of the natural problems and natural needs of a population such as we know, and an area such as we know, but precisely because Government are there, precisely because they being there, a number of other problems come in. Take, for instance, law and order. If there is difficulty in Delhi, it will not be because of the small State of Delhi; it will not be because of plots and counter-plots against Delhi; but because, the Central Government is here. If there is espionage, if there is agitation, if there is preparation of ground for influencing the Legislature, it will not be because people are interested in the small State of Delhi, however noble and however honourable its historical background may be; but, because the Central Government is here, because, Sir, from the Speaker's Chair you guide the deliberations of this All-India Assembly, and for no other reason. I want this aspect to be considered. I want you, I want this House and my

friends to weigh again the words which my hon. friend Pandit Kunzru has said: whether it is not an exaggeration to say that this Delhi Legislature is a toy Legislature and nothing serious is intended by the powers that are given to it. As far as I can see, and judging by a *prima facie* study of it, education, medical amenities, communications, are among the subjects which it can legislate upon. Are they matters for a mere toy Legislature? I do not think so. I think a very serious, a very appreciable step in real self-government for this limited area is given.

**Shri Bhatt (Bombay):** They will be shared by the Corporation also.

**Rev. D'Souza:** Which is also a further extension of the principle of self-government if it is wanted.

**Shri Bhatt:** The Corporations are not under the Legislature.

**Rev. D'Souza:** Not directly; but may be indirectly as I understand.

**Mr. Deputy-Speaker:** After all, even in cases where there is a municipality, there is the Legislature controlling local self-Government.

**Rev. D'Souza:** I conclude by one consideration. I wish Mr. Deshbandhu Gupta and other speakers on behalf of Delhi to remember that in the provisions made for the Central Parliament, as far as I know, exceptional weightage has been given to the Delhi province. Am I right there?

**Shri Deshbandhu Gupta:** No, we would be entitled to three; we are given four. That is the only mercy that has been shown.

**Rev. D'Souza:** Still a certain recognition has been given to the important position of Delhi. I submit for personalities and debaters and administrators of the type of Mr. Deshbandhu Gupta, it is the Central Parliament that is the proper forum and not the little Legislature of Delhi. But, that is not my intention in asking for the indulgence of the House for one minute more. I say this: whether you speak of it as dyarchy or not, it is not dyarchy in the old sense when a part of the powers was reserved by the foreign rulers and a part was given to the elected representatives. In the last analysis, who has the control of this Delhi State? In the last analysis, even though as Pandit Kunzru has pointed out, all the Bills affecting Delhi will not come for consideration in this House as Bills concerning Washington D.C. used to come before

the Congress, the responsibility and dignity which has to go to the Legislature of New Delhi, is, for special reasons, on account of the importance of the place, taken up by your own representatives, by the federal Parliament, by the people of India, by those in whose success, in whose activities, in whose words, in whose examples, in whose experiments, democracy in India as a whole must stand or fall. If, therefore, it is the federal Parliament which provides for further security and seeks further assurance that its deliberations will be carried out in conditions suited to the gravity and importance of those decisions, then I do not see that in the dignity which Delhi claims or the honour which is rightfully due to her any real diminution is made. Rather, I should say that this is a raising of the status of Delhi by entrusting certain powers to the Central Legislature; it is an enhancement of the dignity and the importance and the honour of the people of this Province.

11 A.M.

**Shri Deshbandhu Gupta:** May I, Sir, with your kind permission, put a question to the hon. Member? Does the hon. Member feel assured that all legislation in respect of Delhi will be undertaken either by the local Legislature or by Parliament and that there will not be any third party in between?

**The Minister of States, Transport and Railways (Shri Gopaldaswami):** If Rev. D'Souza has no objection, he may leave it to me to answer that question.

**Rev. D'Souza:** As a matter of fact, I would like to leave it to the hon. Minister to answer that question. I am not competent to answer it with all relevant details.

**Shri Sidhva:** I have not been able to follow the policy of the Government in the matter of Part C States. Indeed they have been changing clothes so often that I do not know whether they themselves know what their policy is. The other day, when discussing the question of merger of the States of Bhopal and Ajmer with other States, we were told that the representatives of these areas had expressed the opinion—Pandit M. B. Bhargava from Ajmer and Thakur Lal Singh from Bhopal—that they preferred separate States and Government have adopted that view. Then why not accept the view of Shri Deshbandhu Gupta in the case of Delhi?

**Shri Gopaldaswami:** Because it is Delhi.

**Mr. Deputy-Speaker:** Delhi is different from Bhopal.

**Shri Sidhva:** I know it is different. You argue that Delhi is the capital of the country and so you have treated it differently and kept it separate. That is the reason why I have not mentioned or included Delhi in my amendment. Then why not say that they do not want to give anything to Delhi, and if they say that, I can understand them. But they do not say that. I listened to the speech of the hon. Minister of Home Affairs yesterday with great attention. I have great regard for him. I have great respect and admiration for his acumen, his ability and his debating powers. These qualities cannot be questioned. But I am sorry to say that yesterday I was immensely disappointed; not because he did not speak forcefully—he did speak with a good deal of force and sincerity—but because his points were weak he could not impress the House and they could not convince its Members, as he would have known from the remarks that they were passing. With due deference to him, I have to say that.

**Shri Bhatt:** That is because you have made up your mind.

**Shri Sidhva:** Shri Deshbandhu Gupta made a very eloquent speech and he touched upon a number of points. But I am sorry to note that he went into detail on minor points thus eclipsing the points of major importance.

**Pandit Thakur Das Bhargava (Punjab):** That is my fault, not his.

**Shri Sidhva:** However that may be, yesterday he said that nothing was being done for Delhi. And Pandit Thakur Das Bhargava said that he would not touch this Bill with a pair of tongs. But ultimately I feel that Shri Gupta is going to accept this Bill. If he had told the Government at the informal conference that he would not accept this Bill and its present provisions, I am sure they would not have brought in this Bill and asked us to pass it in its present shape. What is this Bill? It is just a skeleton. It is what we call in Hindusthan *Khokha*—a skeleton, with nothing in it. What are you giving to Delhi I would like to know.

The last speaker Rev. D'Souza referred to education. Well, I admit education is a big subject. But besides education they are giving to Delhi prisons, places of pilgrimage.

intoxicating liquors, the subject of relief to the disabled, cattle-pounds and such other subjects like agriculture and forests. But is there any agriculture or any forests in Delhi worth the name?

**Shri R. C. Upadhyaya (Rajasthan):** The Pusa Institute is there.

**Shri Sidhva:** That is no good. Yesterday the hon. Member Shri Pant knows he cut a sorry figure. You said that you liked the Lucknow administration. I should like to.....

**Mr. Deputy-Speaker:** The hon. Member will please address the Chair.

**Shri Sidhva:** I am sorry. And so my hon. friend Shri Deshbandhu Gupta is going to administer these things—the cattle pounds, the places of pilgrimage, the prisons and things like that because he is going to get his Legislature here. I may tell my hon. friend that the people of Delhi will not return him in the next elections if he is going to accept this Bill. He must throw this Bill out.

**Mr. Deputy-Speaker:** The hon. Member seems to be more loyal than Shri Deshbandhu Gupta himself.

**Shri Deshbandhu Gupta:** But there is no question of misunderstanding me. For my views on this subject are well known to the House.

**Shri Sidhva:** Then I would request permission to ask my hon. friend a question.

**Shri Rajagopalachari:** If there is so much of frank talk, I might make a small interruption, with your permission, Sir. If Delhi has no forests, if Delhi has no agriculture, if Delhi has not all these things, is it my fault? Is not the fault in the demand for a Legislature where there is no substance behind it? There is no forest, there is no agriculture. There is nothing. Still you want a Legislature. There is only law and order; but can we transfer that?

**Shri Sidhva:** But the fact remains that the fundamental of democratic government,—I mean the local self-government—has been taken away from this State. There may be no forest, no agriculture, but why has the hon. Minister taken away even local self-government? That is my point.

**Shri Rajagopalachari:** There too we have not taken away local self-government. Local self-government has been agreed to and it is coming into being, by means of an Act for setting



up the Corporation. When the Corporation comes into being, then my hon. friend can ask that it should be governed overall by the Delhi Government and not by the Central Government. But we have first to bring it into existence.

**Shri Sidhva:** But they have got their local municipal committees and district boards. They are functioning independently. And as for the Corporation, I have been hearing about it for the past four years and whenever I raised that question here, the answer was that it would be taken into consideration. How can a Bill of such a magnitude, a Bill setting up a Delhi Corporation, be brought in and considered by this House when it is so hard pressed for time? We heard in connection with the Punjab measures that this House had no time to pass the Bills and so the powers had been delegated to the President. Well, that is a case in which there has been supersession. But is it fair to say that we cannot pass the laws because we have no time, neither would we allow others to do so? Recently they have introduced the sales-tax in Delhi. Has any State introduced the sales-tax without an Act of its Legislature? In this case, they have simply thrust the Punjab Law by an executive order on to Delhi and they hope to realise a crore or two of revenue by this means. Is that fair? I know this is a minor matter for a House of Parliament like this to consider. I do not want the time of this Parliament to be taken up by such matters. Therefore, I am in favour of having a separate Legislature where these laws could be passed.

**Shri Gopalswami:** May I point out that the new Delhi State Legislature will have full power to impose sales-tax?

**Shri Sidhva:** But I am talking of the Sales-Tax Act. Where is such an Act as far as Delhi is concerned?

**Shri Rajagopalachari:** I thought I would save hon. Members interested in Delhi from the odium of having to introduce such a Bill in their new Legislature. I have no objection to leaving it to the new Delhi State.

**Mr. Deputy-Speaker:** It is a State subject and the Delhi Legislature when it comes into being can pass a law imposing or withdrawing sales-tax.

**Pandit Thakur Das Bhargava:** Will they be able to reduce the electricity or water taxes?

**Mr. Deputy-Speaker:** On this subject we have heard a lot. Arguments  
276 PSD

are intended to convert the Government, but I do not find any fresh arguments.

**Shri Sidhva:** I have to give my vote on the matter and I cannot be a party to local self-government being taken away and not being given to the new Delhi Legislature. I strongly oppose the proposal.

Much was said about the Improvement Trust and my friend gave his arguments elaborately. I only want to say that I am surprised at the manner in which the Improvement Trust is working in Delhi. I want to ask the Health Minister whether she has seen the Improvement Trusts in Bombay, Calcutta or Kanpur and how they are functioning. You see so many slums in Delhi, whereas in Bombay they have been spending crores on slum clearance thus giving happiness to the poor people. Nothing has been done here. Yesterday I asked the Health Minister whether she knew anything about the betterment clause, and she did not know. She is busy and takes interest in these matters but yet does not know what a betterment clause is. It is one of the fundamental articles of self-government.

Yesterday the Home Minister stated that it would be derogatory to the dignity and status of any of the high personages to accept Ministership in the Delhi Legislative Assembly. My friend Rajkumari is able and competent and can adorn the chair. She is very much conversant with the work and will certainly do wonderful things. If you do not want to leave your seat, there are many others in Delhi to do it. You advance the argument that officers will not be available. But they will have a very disciplined service if they run the administration properly. We do not want to shift the Rs. 3,000 serviceman to the Delhi administration.

This Bill is a mere skeleton not worth acceptance and I am going to vote against it.

Much was said about Delhi being the capital. The Home Minister said that the capital is Delhi and not New Delhi. The word New Delhi was coined for the capital and if it were Delhi why then New Delhi? If you send a letter addressed to Delhi, which is meant for New Delhi, it will go to the G.P.O., old Delhi, and will take a long time to reach its destination in New Delhi. New Delhi was separately made specially for the capital. If the hon. Minister were to read the speech of the King and also the then Governor-General, he would know

[Shri Sidhva]

which is the capital. To suit his own purpose if he says that Delhi is the capital, it is very unfair. If you do not want to give power, then say straight that you do not want to give Delhi anything and I shall support you.

**Shri Rajagopalachari:** May I ask the hon. Member to remember where the durbar was held when the capital was changed from Calcutta?

**Shri Sidhva:** There was no New Delhi then. At the time of the Durbar this was a jungle. They had to hold it in the Civil Lines; they could not have it in the Chandni Chowk.

**The Minister of Health and Communications (Rajkumari Amrit Kaur):** May I say that the durbar was held in Old Delhi and the foundation stone of the capital was laid in Old Delhi by the King?

**Shri Sidhva:** That was in the Civil Lines and not in the heart of Old Delhi. There was the temporary Government of India Secretariat in Civil Lines.

**Mr. Deputy-Speaker:** Does he mean that the Chandni Chowk should be demolished and made into the capital?

**Pandit Thakur Das Bhargava:** These lands on which New Delhi is situated now had not been acquired by that time but subsequently.

**Shri Sidhva:** Mention was made about Canberra. I went there on my way to a conference in New Zealand last year. It is a small town of 20,000. Government of Australia wanted a quiet place for capital hence they shifted recently from the busiest centre of Australia, namely Sydney. You may also shift to some jungle; I have no objection. You are in New Delhi and you may exclude it. I am with you there. But why take away from 20 lakhs of people their rights when you are giving three lakhs of people of Ajmer and six lakhs of people in Bhopal their rights? I cannot accept that principle and I will fight it tooth and nail till the end of my life if those rights are going to be denied to Delhi.

**Mr. Deputy-Speaker:** I thought the hon. Member has concluded.

**Shri Sidhva:** Only two or three minutes more.

**Shri Rajagopalachari:** I thought nothing more need be said after "tooth and nail".

**Shri Sidhva:** I was going to cite the case of the city of London, which has a Lord Mayor. Though its residential population is 5,000 its floating population is 20 lakhs during the day. The Lord Mayor has powers of law and order, though Westminster (House of Commons) is only three miles away. Not only municipal affairs but law and order are also managed by the Lord Mayor. Why do you fight shy of law and order with respect to Delhi? If you trust Ajmer and Bhopal to manage law and order why not allow Old Delhi citizens to manage their law and order? This is going back to the 1935 Act when evidence was taken and there was opposition to the transfer of law and order to the States. The Civil Service in India resisted the transfer of law and order to the States under the 1935 Act. The pressure from the people of India was so great that the Secretary of State could not resist it and felt that they must give police and maintenance of law and order to the States. At one stage we were going even to boycott that conference. Are you going to follow that kind of policy of 15 years ago with regard to Delhi? What is wrong with Delhi? In what respect are they more backward? Let the Minister state it. If the people of Ajmer and Bhopal can manage their affairs very well why can not the people of Delhi manage them? The answer must be unequivocal. Merely saying that Delhi is the capital and some other arguments will not avail.

As regards finance, it is no use stating that already we are incurring an expenditure of Rs. five crores and therefore another Rs. 25 or 50 lakhs matters very little. If that is so that would be very bad management. If you say you are already giving five crores therefore give half a crore more, that is squandering away our finances. Is that the policy? You should be careful of our assets and not one single pie more need be spent wastefully. You say tiny cities can administer very well. I accept that. Do you know how tiny cities are functioning under local self-government? Ask the Minister of Health: she has appointed a committee for considering the finances of local bodies; that committee has submitted a voluminous report with regard to which she could not do anything so far. Finance is everything.

Let me tell the Government through you, Sir, that unless they decentralise and build from the bottom this country will not be happy and prosperous.

They are building from the top ignoring the bottom. I would therefore, with all the humility, request the Home Minister and the States Minister, who are as great patriots as anybody else, to consider these things. I will even say that I would support them if they withdraw this Bill, but let them not humbug the people by giving a skeleton and telling them that we have given them also a democratic type of Government. I say that is humbug, nothing short of that.

**Mr. Deputy-Speaker:** I do not know whether it is quite parliamentary to use the word "humbug".

**Shri Sidhva:** It is parliamentary.

**Mr. Deputy-Speaker:** We are coining new terms of abuse in Parliament.

**Shri Sidhva:** No, no. If you ask me, I will withdraw it, but I think it is used in the House of Commons.

**Mr. Deputy-Speaker:** Let us not copy all those things.

**Rajkumari Amrit Kaur:** Sir, a number of allegations have been made during the course of the debate on this Bill and if the debate continues probably more will be made, against the Delhi Administration. There has been no time, and I do not want to take up time now to answer those allegations. But a certain amount of misapprehension must have been caused in the minds of Members of the House. Therefore, with your permission I would like to lay a short statement on the Table of the House giving a clear picture of the achievements of the various bodies that have been criticised, how they have been working against very heavy odds during the last four years. I do not want to take up the time of the House now because, really, all this criticism is very irrelevant, in my mind, to the actual Bill itself.

**Sardar Ranjit Singh (P.E.P.S.U.):** As the Bill now stands, New Delhi would be out of the jurisdiction of the elected Ministers; every matter that would be discussed by the Ministers shall be subject to the concurrence of the Chief Commissioner. Besides, most of the important subjects have been kept out of the jurisdiction of the elected Ministers. When all those subjects have been taken away what is left to be given to the people of Delhi? Nothing—it is nothing but a farce. With the proposed set-up Government expenditure is bound to go up. There would be 48 elected members, four or six Ministers, a Speaker and a Deputy-Speaker. And with all the extra expenditure what are the people of Delhi going to get? I think they are going to get a dual

Government: some of the subjects will be controlled by the Central Government, some will be controlled by the elected Ministers. Administrative difficulties are bound to arise; there is every possibility that the work of the State may suffer. Today the people of the adjoining States are enjoying full responsible Government. If you compare the people of Delhi with those of the adjoining States, I say you will find that the people of Delhi are more advanced in all respects. There is no dearth of capable men in Delhi who can run the administration on sound lines.

To demand self-government is the birth right of the people, and the Government of India sooner or later shall have to part with it. The sooner it is done the better it is. In the coming elections it is, of course, possible that there may be different parties in the Delhi State and in the Central Government. In view of that possibility and to meet any contingency it is desirable that New Delhi should be kept under the control of the Centre. Also, as law and order is a common subject which is controlled by the Chief Commissioner for Delhi and New Delhi, it is desirable that law and order should also be kept under the control of the Central Government. But as regards other subjects I am definitely of the opinion that the experienced people of Delhi and the businessmen of Delhi can run these other departments more efficiently than is being done now.

**The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha):** I beg to move:

"That the question be now put."

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

"That the question be now put."

The motion was adopted.

श्री ऋट्टु : माननीय उपाध्यक्ष जी, माननीय मंत्री जी जवाब दें उस के पहले मैं एक ख़ुलासा चाहता हूँ। इस साल १९ अप्रैल को होम एफ़ेअर्स (Ministry of Home Affairs) की एडवाइसरी कमेटी (Advisory Committee) मिली थी। उस मीटिंग की जो कार्रवाही है उस में से मैं पढ़ कर सुनाता हूँ जिस से मिनिस्टर साहब को उत्तर देने में सुविधा हो जायगी :

[ श्री भट्ट ]

"Shri Deshbandhu Gupta urged that for the State of Delhi there should be a provision for a future permanent set-up including a Legislature and a responsible Ministry as in the case of Himachal Pradesh and Vindhya Pradesh. He admitted that some limitations would be necessary in the case of Delhi, which may take the form of leaving important matters such as law and order under the full control of the Centre, but even within the limits so imposed, a Legislature and a responsible Government ought to be given to the State".

Now what was the reply by the hon. Minister?

"The hon. Minister pointed out that a Legislature without full powers will hardly be able to work smoothly."

और यहां जो लेजिसलेचर ( Legislature ) दे रहे हैं वह विद फुल पावर्स ( with full powers ) है या विद लिमिटेड पावर्स ( with limited powers ) है ।

[Shri Bhatt: Sir, before the hon. Minister answers I should like to have a clarification. The Advisory Committee of the Ministry of Home Affairs met this year on the 19th April. I would read out from the proceedings of that meeting which will help the hon. Minister in his reply.]

"Shri Deshbandhu Gupta urged that for the State of Delhi there should be a provision for a future permanent set-up including a Legislature and a responsible Ministry as in the case of Himachal Pradesh and Vindhya Pradesh. He admitted that some limitations would be necessary in the case of Delhi, which may take the form of leaving important matters such as law and order under the full control of the Centre, but even within the limits so imposed, a Legislature and a responsible Government ought to be given to the State."

Now what was the reply by the hon. Minister?

"The hon. Minister pointed out that a Legislature without full powers will hardly be able to work smoothly."

I want to know whether the Legislature that is being provided here is

invested with full powers or only limited powers?]

Shri Gopalaswami: At this late stage of the debate on clause 26, I am anxious that I should not occupy more time of the House than is absolutely necessary. The debate on this clause was really initiated by my hon. friend Shri Deshbandhu Gupta. He travelled over many points and covered a good many details of the actual administration as it is today, not only in the municipalities but also in the various corporations and boards that are now in existence for specific purposes. I take it that after what has fallen from my hon. colleague the House should have been satisfied that much of this material was not really relevant to the issue under consideration in the House. Let me say that all these bodies at the present moment are under the direct control of the Centre and if my hon. friend Shri Deshbandhu Gupta's argument was intended to lead to the conclusion that this control has been so badly exercised by the Centre that the time has arrived for transferring it to a new Legislature which will be created for the Delhi State under this Bill, I would ask the House to consider one simple point: Have we got anything to show that the coming Delhi State Legislature would exercise this control better than the Centre has done? A good deal has been said about the defective manner in which the Centre has looked after these bodies. That statement of fact has been questioned. If I were inclined to take more time of the House, I would be in a position to place facts before it which will refute all that was said against the Centre in this connection, but I do not like to take up the time of the House. I think the statement which my hon. colleague Rajkumariji is going to place on the Table of the House will satisfy Members who are inquisitive about this matter that the picture that Shri Deshbandhu Gupta did draw yesterday was not altogether a representation of the correct state of things.

Babu Ramnarayan Singh (Bihar): Quite correct.

Shri Deshbandhu Gupta: I only quoted from the reports.

Shri Gopalaswami: There are ways of quoting a report. You can quote a report from one part of it.

Shri Deshbandhu Gupta: If Government would allot a day for the discussion of the Improvement Trust, that would be the right thing. I would welcome a discussion.

**Shri Gopaldaswami:** I hope Rajkumariji will comply with the request, provided we could find time during the present session of the House. I do not think she is afraid to meet the House on the basis of that report.

**Shri Kamath:** No Minister is afraid.

**Shri Gopaldaswami:** If Rajkumariji is not afraid I am rather surprised to here that my hon. colleague the Home Minister will be afraid.

**Shri Kamath:** I said 'No Minister will be afraid'. He has apparently heard it as 'Home Minister will be afraid'.

**Shri Gopaldaswami:** Then, I thank my hon. friend for saying that.

Now, in regard to this particular matter, what is it after all that this Bill attempts to do? It is common ground that wherever a Federation has been established, those who were responsible for its establishment have always felt the need for reserving in the hands of the Centre full power regarding vital matters of administration in the area which was to be constituted into the capital city. That is what the U.S.A. did in 1787. That is what Australia did in the early years of this century. That is also in a sense what Canada is attempting to do today. There are two ways of reserving these vital powers in the hands of the Centre. The method that was adopted by the U.S.A. and Australia was one. The method that is being adopted by Canada is another. In the first two cases, the Federations provided that they should establish the capital in an area about ten miles square, that is to say, about one hundred square miles and for that they said that the Federation should have absolute authority. That is what they did in the case of Washington. Even today Washington is only a district. It is not a district of any particular State; it is a district which is under the direct administration of the Centre. I quite recognise what my hon. friend Shri Deshbandhu Gupta said yesterday that there is some legislation being promoted in Congress for certain powers which would perhaps link this district with the neighbouring State. I have not seen the Bill and do not know the actual provisions. But let us remember that today Washington is being administered as a federal district with no State Government but a set of three District Commissioners, who derive their authority from Congress legislation. Take Canberra. It is the same thing. It is a separate area under the direct control of the Federation and laws for it are passed by the Federal Parliament.

**Shri Deshbandhu Gupta:** It has only a population of 20,000.

**Shri Gopaldaswami:** It may be 20,000 or it may rise to two millions some time later. But still it is a separate district. Take Canada. In Canada they chose a capital which was not isolated from the rest of the country. They decided to locate the capital in what was already a district of a State and a town of some consequence in that State. Even there, they found it necessary to provide for the reservation of powers in the hands of the Centre—vital powers like law and order, improvement trust and so on—and they have been passing federal legislation for the purpose of investing these authorities with the necessary powers and functions. What I want to impress upon the House is that we must accept the need for the Centre having absolute control over certain matters in the federal capital. That control it could not share with any subordinate authority. We also transferred the capital of India from Calcutta to Delhi. The transfer was not to New Delhi. The transfer was from Calcutta to Delhi, and Delhi was already a city. It was already part of another State and we had to steer a course which might not be the same as in the case of other federal capitals but still suited the conditions of India and its capital, and in doing so we did not want to disturb the existence of a separate State including Delhi. At first the whole of the State was administered by the Centre. It was a Centrally-administered area. We have now come to a stage when we are tackling the problem of giving each of these Centrally-administered areas a democratic set-up and when we came to the case of Delhi we had to take into consideration these two facts. There is a State here which includes not only New and Old Delhi but about three hundred villages round about. There is, on the other hand, this Government of India. Delhi, the capital itself includes New and Old Delhi. Now for the former we decided to have full powers as regards vital matters. Mind you, this power does not take away the entire jurisdiction of the State Legislature from New or Old Delhi. But we have taken out of its cognizance certain matters which we consider of such paramount importance that it could not be handed over by the Centre to any other subordinate authority. That is the principle underlying the provisions of this Bill.

Now it has been asked: Well, you have made other provisions in this Bill; you have provided safeguards in various ways by the use of which it

[Shri Gopaldaswami]

will be possible for you to prevent any maladministration by the Delhi State, if it was guilty of maladministration even in regard to these vital points. That is not an answer to the principle that I have already enunciated. In certain vital matters the Centre must have exclusive jurisdiction. It is possible that we can let the State legislature to act and then try to pull it up and say you shall not act in this way, or we want you to act in this way. That is one way of doing things.

**Pandit Kunzru:** You can pull up the executive before that stage arrives. You have the right to issue directions to the Ministry. You can therefore ask that any draft of a law relating to police or law and order, etc., should be placed before the Central Government before introduction in the local Legislature. You have got complete power in that matter.

**Shri Gopaldaswami:** I will answer that point. I concede the position that we can do so in respect of everything in day to day administration that the Delhi State and its Ministry might deal with. We could issue a specific order and that order will have to be obeyed under another provision of this Bill. But I ask anybody in this House to tell me whether that is the way in which you will arrange for administration in Delhi. The point is that we want these vital matters to be attended to by ourselves. We will issue positive orders and those orders will have to be obeyed. We cannot put ourselves—in the position of somebody else having a right to issue orders and our having a mere right to pull them up when they go wrong. The two positions are absolutely distinct. If they were not so distinct, then all that Australia has done, all that the U.S.A. has done so far and all that Canada is doing in regard to Ottawa will be absolutely meaningless.

**Pandit Thakur Das Bhargava:** May I put a question? Though these powers may not be transferred to the local Legislature all at once, will they at least be allowed to assume them by gradual development or conventions? How will they grow up, unless you trust the Legislature to some extent now?

**Shri Gopaldaswami:** That is rather a helpful idea. I shall tell the House presently how that kind of convention could grow up.

Now what we want is that legislation in regard to these matters must

be exclusively in the hands of the Centre. Does that mean that we are going to eliminate the participation in the administration of these Central laws by the Government of the new State? I want hon. Members to realise this. There is Central legislation and Central legislation. Some Central legislation has to be implemented by machinery directly under the Centre. There are other kinds of legislation or parts of legislation in which the administrative needs of the situation require that powers should be conferred and duties should be imposed under a Central law on the State or its officers. I shall read to the House the provisions of article 258 of the Constitution. It provides, firstly, for the devolution of executive power; secondly, it refers to the conferment of powers and imposition of duties by parliamentary law on States. This is what it says:

“(1) Notwithstanding anything in this Constitution, the President may, with the consent of the Government of a State, entrust—either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of the Union extends.

(2) A law made by Parliament which applies in any state may, notwithstanding that it relates to a matter with respect to which the Legislature of the State has no power to make laws, confer powers and impose duties, or authorise the conferring of powers and the imposition of duties, upon the State or officers and authorities thereof.”

Now you look at the various Acts which are now in force in Delhi. You will find that most of them do not refer to the Central Government as such. All controlling powers, all superior powers in regard to administration are vested in the Chief Commissioner. Let me make one fact clear. The supreme executive power in regard to Part C States is vested in the President. I want the House to take note of this fact. I am trying to explain the position as it will be under the Constitution and under this Bill. The President acts through a Chief Commissioner or a Lieutenant-Governor. What we are trying to do by this Bill is to give this instrument of the President the aid and advice of a Council of Ministers. Now in respect of certain matters for which the Chief Commissioner has to be responsible to the President, we are giving him the assistance of these Ministers. So far as those matters

are concerned, we try to fulfil the spirit of responsible Government—their advice and aid must be accepted in the ordinary course. But as the supreme executive power vests in the President, where there is a difference between the Chief Commissioner and his advisers, we want the matters to be referred to that supreme head for resolution of any difficulties or differences. That is the position. But where, for instance, in the case of Central laws on matters which we have excluded under clause 26, that legislation confers powers or imposes duties on the Chief Commissioner or any of his officers or it may be even on persons who are chosen as Ministers—in the old days they were called Members of the Executive Council, in the days of diarchy—in those cases we do not altogether exclude the State from having any participation, in the administration of those subjects. To the extent that they implement the powers conferred upon them or discharge the duties imposed upon them they are doing it under a Central law. If we attempt to establish conventions, as we did attempt to do in the days of diarchy, these people who are responsible for the implementation of the laws even on those excluded subjects will all confer together, and it may be that by proper arrangements, rules of business and so on, it might become possible for the members of the State Legislature to put questions or even to move resolutions even on such matters. Only, what they resolve on will be not only not binding on their own Ministers—as no resolution is binding upon any Government—but they could not be implemented unless they met with the approval of the supreme executive. That is the position. I quite understand what my hon. friend Pandit Thakur Das Bhargava said, that it is possible by convention to so develop the working of these new institutions that even though it is not so stated in the law these functions are administered in the State to the satisfaction, as far as possible, of the representatives of the State who come into the State Legislature. Now, it may also, I think, be asked if the Centre is willing to part with power to that extent, whether they will trust these Ministers in the State Legislature. My answer to that is it is to our interest to promote this kind of thing. Otherwise what will happen will be that in regard to these excluded subjects, even with regard to municipal corporations, law and order and so forth, the forum for putting questions for ventilating grievances and so on will be Parliament. And it is not such a convenient thing for us to be

dealing with detailed matters relating to Delhi administration in Parliament. It will be to our interest, both in the legislation we pass in regard to these subjects and in the rules of business and other things that we approve of for transaction of business both in the State Government and its Legislature, to devolve these powers and to see how they implement them.

One point was made out by more than one hon. Member of the House and that was that there will be no time in Parliament to pass legislation—of a particular Bill which might run into three or four hundred clauses for the purpose of establishing a corporation for Delhi. Now, I think it is simply begging the question. An important measure of that sort you cannot really compress into a few clauses, something like twenty, thirty or forty. That legislation has to run into many clauses and Parliament has got to find the time. And if it has not found the time so far it is because owing to consultations of various authorities, ascertainment of views and so on the actual material for the Bill has not got into the shape in which it could be presented to Parliament as a Bill. That is what has stood in the way. But if it had been ready six months ago I am sure that my hon. colleague would have insisted on time being found by this House for passing so important a measure. And I for one cannot agree that Parliament is unfit to pass a measure of that kind. Parliament may have to deal with various other Bills which will include hundreds of clauses. The mere number of the clauses does not prevent Parliament from dealing with a measure if it is an important one.

The other point that was raised was: "What is it after all? Parliament has not legislated at all about Delhi". What has been done is that the executive, the Health Minister or probably the Home Minister has applied State enactments from one State or another with modifications to Delhi. No doubt it was a simpler method of legislating at a time when we could not have passed all these Bills together in Parliament. But it is a temporary expedient. The Delhi Laws Act is not an eternal measure. I think personally the proper procedure in the future should be that with regard to all matters in regard to the State of Delhi, or for that matter even in regard to Part C States in general the endeavour should be to pass Parliamentary legislation. The position now is that the executive is empowered by a Parliamentary enactment, which the Delhi Laws Act

[Shri Gopalaswami]

is, to extend these Acts from various States to other States. But that practice will no doubt drop out in due course.

Now, I will try to deal with this amendment, the amendment of Mr. Deshbandhu Gupta and also of Pandit Thakur Das Bhargava. They are more or less the same except that my friend Mr. Deshbandhu Gupta has dropped out more from the list of excluded items than Pandit Thakur Das Bhargava has done. So far as the main operative portion of this amendment is concerned it says that the Assembly of the State of Delhi shall not have the final power to make laws. Well, I am not objecting to it merely on purely drafting grounds but I object to it on substantial grounds. You cannot in a piece of legislation clothe somebody with a final power for making laws and some other authority with a power which is something less than final power in the making of laws. Apparently "final" has reference to the last portion of this amendment under which the President is given the right, not simply to assent or not to assent or to return the Bill for reconsideration, but actually to modify the provisions of the law that has come up from the State Legislature. Well, I do not know if the hon. Members who have given notice of this amendment, or any others in this House, can reconcile themselves to the idea of the executive changing the content of a law passed by a Legislature. That, I think, is so foreign to all ideas of law-making that I think we should rule out this particular idea of the President having the power to modify it. Of course we have to understand that "President" means either the Home Minister or the Health Minister, or myself for that matter in certain matters. You do not get over the difficulty by mentioning the word "President". I think the executive should not have the power to modify a law which comes up from the legislature itself. All the Constitutions in the world no doubt provide for a law passed by a legislature being submitted to the head of the executive but that is only for the purpose of giving his assent or withholding his assent or returning it with suggestions for reconsideration. This is a new method of making a law for a State which the President will be allowed to tinker with as he likes and though it might suit the executive on these benches to accept such a decision, I do not think I can accept it from the larger point of view of principle.

12 Noon

**Shri Deshbandhu Gupta:** May I just interrupt and seek clarification from the hon. Minister on this point? What is suggested by me is that just as at present enactments made by other State Legislatures are being adopted by the executive and extended to Delhi, similarly enactments made by this Legislature will be open to Government to adopt and modify and then apply to Delhi. It will be a complementary Legislature to the Central Legislature because the Central Legislature is not expected to pass legislations on all matters concerning the State.

**Pandit Thakur Das Bhargava:** The Bills are referred back to the Legislature and then the Legislature by the order of the President just reconsiders those suggested amendments and they again go up. The method suggested is new, there is no doubt, but it is on the same lines and same principles and only to satisfy you.

**Shri Gopalaswami:** That is why I said while it would be satisfying to us from the purely executive stand point, I do not think it is satisfying to me from the stand point of principle.

Mr. Deshbandhu Gupta has referred to the existing practice of adopting laws of other States for application to a particular State. I have already said enough to show that I am not enamoured of that as a permanent practice in regard to legislation. So long as the Part C States had no Legislatures of their own and the subjects had not been divided between Part C States and the Centre and so forth, it was convenient for us—the Centre having to exercise powers in regard to State subjects—to say: why go through the whole process of making a law on a State subject? Some other State has made a law. Let us adopt it by executive order to this case but where you have got a Legislature established in the State itself, to give such a power to the executive is I think against all principles.

**Shri Deshbandhu Gupta:** May I again interrupt the hon. Minister and inquire whether he is in a position to give an assurance on behalf of the Government that hereafter all laws that would be applicable to the State of Delhi would either be passed by the State Legislature or Parliament? Is he in a position to give that assurance categorically?

**Shri Gopalaswami:** The present position is that we have got a Delhi Laws Act. I suppose under its provisions



the executive of the Centre has power to apply laws from other States to Delhi State. In the future we are dividing the subjects between the Centre and the Part C State of Delhi. With regard to the subjects which are handed over to the Part C State the Legislature has the primary power, the right and duty of passing laws, so that the intention of this Bill is that though we have power to pass a law in Parliament, after this Bill comes into force, the laws relating to State subjects will be passed in the natural course by the State Legislature. By State subjects, I mean, all State subjects other than those which are specifically excluded. Now with regard to other cases also, it is intended that legislation should be undertaken in Parliament. As to when it will be possible to change over to the new system is a thing on which I cannot commit myself at the present moment because if I said from tomorrow we will pass all laws relating to Delhi in Parliament, it would produce inconvenience in administration which will lead to all sorts of trouble, but once matters settle down, the normal principle will be that with regard to subjects which are within the competence of the State Legislature, it will pass laws, and for those which are within the competence of the Centre Parliament will have to make laws. That will be the general principle.

**Shri Deshbandhu Gupta:** My fear is that the *status quo* will continue so far as Parliament is in a position to make laws on those subjects and the Chief Commissioner will be still extending laws passed by other Legislatures without consulting this Legislature or the State Legislature as he has been doing in the past.

**Shri Gopalaswami:** I am not sure that the Chief Commissioner does it. I believe that it is the Central Government that does it. Take for instance, your Municipal Act. It is a Punjab Act extended to Delhi. Obviously in order that the municipal administration might continue to be carried on that Act has to be enforced till my hon. colleague brings before Parliament a Bill for establishing a Corporation for Delhi and when that Bill is passed into law, naturally the other will go out of existence.

My main thing with regard to the amendment which I have myself moved is this. I was rather interested to listen to what my hon. friend, Mr. Bhatt said. He read from the proceedings of the Home Ministry's Advisory Committee. I was not aware, though I had indications in private conversations, that Shri Deshbandhu

Gupta had categorically admitted the need for reserving a subject like law and order, to the Centre in the case of Delhi. It is no doubt true that Mr. Bhatt read out another sentence which indicated the view of my hon. colleague at that time. But that was a very general statement. It only said that a Legislature cannot be expected to function unless it had an amplitude of powers. It did not mean that every little power was to be with that Legislature in order to make democracy work properly there but it is rather significant that Mr. Deshbandhu Gupta made that admission then.

**Shri Deshbandhu Gupta:** I have not quite followed.

**Shri Gopalaswami:** True that Government have been accused of changing their views from time to time.

**Shri Deshbandhu Gupta:** But this is a new departure—after a Press Note had been issued by Government—to describe it as part of loud thinking.

**Shri Gopalaswami:** Some of us have really revised some of our views. There is no denying that fact.

**Shri Deshbandhu Gupta:** I hope you are not one of them.

**Shri Gopalaswami:** That kind of revision is not peculiar to the Members on the Treasury Benches. With regard to this thing, we have reserved Public Order. We have reserved Police including Railway Police. You will find in the State List there is another item mentioned. That is Village Police which we have not reserved. Then, we refer to the constitution of these various authorities, lands and buildings. In the amendment of Mr. Deshbandhu Gupta, he agrees to the exclusion of Public Order; he agrees to the exclusion of Police. He agrees to the exclusion of lands and buildings vested in the Union, situated in New Delhi.

**Shri Deshbandhu Gupta:** Not exclusion; but inclusion. Because the word 'final' is there. The word 'final' may not be lost sight of.

**Shri Gopalaswami:** I have already said what I had to say with regard to the word 'final'. Then, jurisdiction and other things are consequential. Leaving them out, what remains is, item (c) in my amendment which refers to the constitution and powers of municipal corporations in Delhi and New Delhi and constitution and powers of other public utility authorities including water supply, drainage, Im-

[Shri Gopaldaswami]

provement Trust, electricity and transport. Let me mention this because many hon. Members have referred to parallels in other places. I can say with confidence that so far as the municipal administration of the federal capital is concerned, every other country has reserved exclusive power in the Centre. Canberra has it; Washington has it. I am not sure that the new Bill to which Mr. Deshbandhu Gupta made reference would break this principle at all. With regard to Ottawa, things which matter in municipal administration, which are of vital consequences have been taken over by the Centre. That being so, I think my hon. friend should withdraw his objections if he were going to swear so much by foreign parallels.

**Shri Deshbandhu Gupta:** I was only answering certain questions.

**Shri Gopaldaswami:** I have positive reasons why we should retain these in the hands of the Centre here. He himself will agree that for the development of the municipal administration, for carrying out all the schemes of the Improvement Trust, for having a proper and adequate water supply, for having a proper drainage system, even for having an adequate transport authority, it is important from the all-India stand point, apart from the Delhi stand point, that the administration here should be of an order which is very much above the average in regard to municipal administration in the country. I do not think that the Delhi municipal council has established a record for super efficiency in regard to these matters. It may be said that this does not take away the fact that this municipality is supposed to have been under the control of the Chief Commissioner, under the Centre. What we propose to do is to substitute for it a proper Corporation which will have an administrative set-up which cannot permit of the kind of inefficiency, even to the extent that it prevails. If that is to happen, the resources of these municipal authorities have to be of an ample character. We in the Centre feel our responsibility for making Delhi a model capital of a federation so much that we are not willing to part with power in regard to this matter to any subordinate authority.

**Shri Deshbandhu Gupta:** Does Delhi include New Delhi? When the hon. Minister talks of Corporation, have Government decided to give a corporation to New Delhi also?

**Shri Gopaldaswami:** If they had reached a decision, that would have

been made known to Parliament already. When they reach a decision, it will come to Parliament in the form of a Bill. I can only say this that I do not think Government have ruled out the establishment of a Corporation separately for New Delhi or the establishment of a joint Corporation for both Old and New Delhi. Decisions on these matters will be made known to Parliament in due course. That is why I say that the objections to this item (c) of my amendment are not objections to which Government could defer. It is a very painful fact to me that I have to say to so eloquent an advocate of the interests of Delhi as Mr. Deshbandhu Gupta is, that I am unable to accept his amendment to my amendment. That is what I wish to say also to my hon. friend Pandit Thakur Das Bhargava. I hope the House will recognise that if they want that the capital should have separate treatment—it may be a privileged treatment so far as resources go, it may be a treatment which would ensure greater efficiency and so on—if they concede that position, they have no alternative but to accept the amendment that I have moved. With regard to the actual day-to-day administration, I have already pointed out that things even in regard to municipalities in which the local people will feel interested would, in the legislation that is to come, be provided for by appropriate devolution of power to the State Government and its officers and I for one would certainly advocate that these matters should not be excluded from the purview of interpellation and resolution in the State Legislature. Having said that, I shall leave the fate of my amendment in the hands of the House.

**Shri Kamath:** Is it too much to ask the hon. Shrimati Amrit Kaur, who is the third Minister intimately connected with this matter, to answer certain specific points raised by my hon. friend Mr. Deshbandhu Gupta as regards water supply, drainage, sewage, and also whether she is in a position to ask the Leader of the House to allot half a day for discussion of this Improvement Trust Inquiry Report?

**Mr. Deputy-Speaker:** The hon. Minister has already stated that she would be placing a statement on the Table of the House.

**Shri Kamath:** She does not add to it orally?

**Mr. Deputy-Speaker:** She does not.

I shall first put the amendments that have been moved to the amendment of the hon. Minister and then

put the amendment of the hon. Minister. First, Pandit Thakur Das Bhargava's amendment.

**Pandit Thakur Das Bhargava:** I beg leave to withdraw my amendment.

The amendment was, by leave, withdrawn.

**Shri Deshbandhu Gupta:** With regard to my amendment, I have already stated that I am opposed to the amendment of the hon. Minister.

**Mr. Deputy-Speaker:** We are not allowing any speech at this stage.

**Shri Deshbandhu Gupta:** I had moved my amendment in the hope that Government would accept it, as I wanted to go to the maximum extent to get Government's approval of that, and to pass legislation of that kind with general consent. But, since Government is sticking to its own amendment, I would beg leave to withdraw my amendment and confine myself to the opposition to the amendment which the hon. Minister has moved.

The amendment was, by leave, withdrawn.

**Mr. Deputy-Speaker:** Shri Bhatt did not move his amendment. Shri Sidhva moved his two amendments but he is not in his seat. So I have to put them to the House.

The question is:

In the amendment proposed by the hon. Shri N. Gopaldaswami Ayyangar, omit parts (a), (b) and (c) of the proposed proviso to sub-clause (1) of clause 26.

The motion was negatived.

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

In the amendment proposed by the hon. Shri N. Gopaldaswami Ayyangar, in part (d) of the proposed proviso to sub-clause (1) of clause 26, omit "in Delhi or".

The motion was negatived.

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

To sub-clause (1) of clause 26 add the proviso:

"Provided that the Legislative Assembly of the State of Delhi shall not have power to make laws with respect to any of the following matters, namely:—

- (a) public order;
- (b) police including railway police;

- (c) the constitution and powers of municipal corporations and other local authorities, of improvement trusts and of water supply, drainage, electricity, transport and other public utility authorities in Delhi or in New Delhi;
- (d) lands and buildings vested in or in the possession of the Union which are situated in Delhi or in New Delhi including all rights in or over such lands and buildings, the collection of rents therefrom and the transfer and alienation thereof;
- (e) offences against laws with respect to any of the matters mentioned in the foregoing clauses;
- (f) jurisdiction and powers of all Courts, with respect to any of the said matters; and
- (g) fees in respect of any of the said matters other than fees taken in any Court."

The motion was adopted.

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

In sub-clause (2) of clause 26, for "such State" substitute "a State".

The motion was adopted.

**Shri Deshbandhu Gupta:** May I request that my dissent be recorded in the proceedings, Sir? If there is any procedure, I should like my dissent to these amendments to be recorded. I do not want a division on this, but I would like my dissent to be on record.

**Mr. Deputy-Speaker:** The hon. Member has spoken for over two hours and everything has gone down on record.

The question is:

"That clause 26, as amended, stand part of the Bill."

The motion was adopted.

Clause 26, as amended, was added to the Bill.

**Clause 27.—(Inconsistency between laws etc.)**

*Amendment made:*

In the Explanation to clause 27, omit "of Himachal Pradesh or Vindhya Pradesh."

[Shri Gopaldaswami]

Clause 27, as amended, was added to the Bill.

**Clause 28.**—(Sanction of the President etc.)

**Shri Gopalaswami:** I beg to move:

For clause 28, substitute:

“28. *Sanction of the Chief Commissioner required for certain legislative proposals.*—No Bill or amendment shall be introduced into, or moved in, the Legislative Assembly of a State without the previous sanction of the Chief Commissioner, if such Bill or amendment makes provision with respect to any of the following matters, namely:—

- (a) constitution and organisation of the court of the Judicial Commissioner;
- (b) jurisdiction and powers of the court of the Judicial Commissioner with respect to any of the matters in the State List or in the Concurrent List;
- (c) State Public Service Commission.”

**Shri Dwivedi** (Vindhya Pradesh): I only wanted a clarification from the hon. Minister of a certain point. I want to know whether the Chief Commissioner will be competent on his own, without consulting the Central Government, to give permission for introducing legislation. Or has he to consult the Central Government before he gives this permission?

**Shri Gopalaswami:** The Judicial Commissioners in Part C States stand more or less in the position of a High Court and nothing can be done as regards the creation of High Courts or conferring of jurisdiction on them by the Chief Commissioner without the approval of the Central Government.

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

For clause 28, substitute:

“28. *Sanction of the Chief Commissioner required for certain legislative proposals.*—No Bill or amendment shall be introduced into, or moved in, the Legislative Assembly of a State without the previous sanction of the Chief Commissioner, if such Bill or amendment makes provision with respect to any of the following matters, namely:—

- (a) constitution and organisation of the court of the Judicial Commissioner;

(b) jurisdiction and powers of the court of the Judicial Commissioner with respect to any of the matters in the State List or in the Concurrent List;

(c) State Public Service Commission.”

The motion was adopted.

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

“That clause 28, as amended, stand part of the Bill.”

The motion was adopted.

Clause 28, as amended, was added to the Bill

**Clause 29.**—(Special provisions as to financial Bills.)

**Shri Gopalaswami:** I beg to move:

- (i) In sub-clause (1) of clause 29, for “President” substitute “Chief Commissioner”.
- (ii) In sub-clause (3) of clause 29, for “President” substitute “Chief Commissioner”.

Sir, with your permission, and with the permission of the House, I would like to move another small amendment seeking the omission of some words which are not necessary in sub-clause (3), I mean the “Consolidated Fund of India”.

**Shri Lakshmanan** (Travancore-Cochin): That is my amendment.

**Shri Gopalaswami:** In that case, I am accepting that amendment of the hon. Member.

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

In sub-clause (1) of clause 29, for “President” substitute “Chief Commissioner”.

The motion was adopted.

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

In sub-clause (3) of clause 29, for “President” substitute “Chief Commissioner”.

The motion was adopted.

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

In sub-clause (3) of clause 29, omit “the Consolidated Fund of India or”.

The motion was adopted.

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

“That clause 29, as amended, stand part of the Bill.”

The motion was adopted.

Clause 29, as amended, was added to the Bill.

Clauses 30 to 32 were added to the Bill.

**Clause 33.**—(Annual Financial Statement.)

**Shri Gopalaswami:** I beg to move:

(i) In sub-clause (1) of clause 33, omit "As from the financial year commencing on the 1st day of April, 1952".

(ii) In part (e) of sub-clause (3) of clause 33, for "by Act of Parliament" substitute "by law made by Parliament or by the Legislative Assembly of the State".

**Mr. Deputy-Speaker:** Amendments moved:

(i) In sub-clause (1) of clause 33, omit "As from the financial year commencing on the 1st day of April, 1952".

(ii) In part (e) of sub-clause (3) of clause 33, for "by Act of Parliament" substitute "by law made by Parliament or by the Legislative Assembly of the State".

**Capt. A. P. Singh** (Vindhya Pradesh): I beg to move:

In sub-clause (1) of clause 33, omit "with the previous approval of the President".

In the previous clauses 29 and 30 the hon. Minister himself had suggested that the word "President" was not necessary and should be substituted by the words "Chief Commissioner". He has admitted the principle and according to it these words "with the previous approval of the President" should be omitted. When the Chief Commissioner is the representative or agent of the President himself there is no use having this word again and again. Another reason is that the Chief Commissioner should be trusted and should have some authority. Otherwise, he will have to refer to the President every time and there will be red-tapism. There are also other clauses where this phrase "with the previous approval of the President" is repeated. I hope the hon. Minister will accept my amendment.

**Shri Gopalaswami:** I cannot accept it.

**Capt. A. P. Singh:** What about clause 29?

**Shri Gopalaswami:** That was a different matter.

**Mr. Deputy-Speaker:** Amendment moved:

In sub-clause (1) of clause 33, omit "With the previous approval of the President".

**Shri Poonacha** (Coorg): I beg to move:

In part (b) of sub-clause (3) of clause 33, omit "elected".

This is only formal, as it has been deleted in other places as well.

**Mr. Deputy-Speaker:** Amendment moved:

In part (b) of sub-clause (3) of clause 33, omit "elected".

**Shri Gopalaswami:** May I explain the position with regard to this annual financial statement. That is a statement which, though it is mentioned will be presented to the State Legislature by the Chief Commissioner, is the budget for the year concerned. A budget of a State which is administered through a Chief Commissioner will include not merely the items relating to State subjects the administration of which might be in the hands of the Council of Ministers, it will also include certain subjects which are reserved to the Centre and the financial provision of the Centre for such activities could be ascertained only from the Centre, that is the President. So, if you want to have a budget which will cover everything, you have got not only to put in the information available with regard to that particular State but also information regarding what the Centre considers to be probable expenditure and probable receipts in the case of such items as are reserved.

[PANDIT THAKUR DAS BHARGAVA  
in the Chair]

That is why it is put down that the Chief Commissioner, who is the head of the State and is also the agent of the President, should get the approval of the President. It has got to be passed by the Centre.

**Shri Rajagopalachari:** The hon. Member might compare the provisions with regard to Part A States. Article 202 of the Constitution says:

"The Governor shall in respect of every financial year cause to be laid before the House or Houses of the legislature of the State a statement of the estimated receipts and expenditure of the

[Shri Rajagopalachari]

State for that year, in this part referred to as the 'annual financial statement'."

That is, for States like Madras, Bombay, etc. It is not the Governor that lays it but he causes it to be laid. The same language is used here.

**Shri Gopalaswami:** He is objecting to "approval of the President".

**Shri Rajagopalachari:** There too, without the approval of the Government a private Member cannot make an amendment.

**Mr. Chairman:** The question is:

In sub-clause (1) of clause 33, omit "As from the financial year commencing on the 1st day of April, 1952".

The motion was adopted.

**Mr. Chairman:** The question is:

In part (e) of sub-clause (3) of clause 33, for "by Act of Parliament" substitute "by law made by Parliament or by the Legislative Assembly of the State".

The motion was adopted.

**Capt. A. P. Singh:** I beg leave to withdraw my amendment.

The amendment was, by leave, withdrawn.

**Mr. Chairman:** The question is:

In part (b) of sub-clause (3) of clause 33, omit "elected".

The motion was adopted.

**Mr. Chairman:** The question is:

"That clause 33, as amended, stand part of the Bill."

The motion was adopted.

Clause 33, as amended, was added to the Bill.

**Clause 34.—(Procedure in Legislative Assembly in respect of estimates.)**

*Amendment made:*

In sub-clause (3) of clause 34, for "President" substitute "Chief Commissioner".

—[Capt. A. P. Singh]

Clause 34, as amended, was added to the Bill.

Clause 35 was added to the Bill.

**Clause 36.—(Supplementary additional or excess grants.)**

**Capt. A. P. Singh:** I beg to move:

In part (b) of sub-clause (1) of clause 36,

- (i) omit "with the previous approval of the President"; and
- (ii) omit "with such previous approval".

**Mr. Chairman:** Amendment moved:

In part (b) of sub-clause (1) of clause 36,

- (i) omit "with the previous approval of the President"; and
- (ii) omit "with such previous approval".

**Shri Rajagopalachari:** Whatever applies to the main financial statement should apply also to the supplementary financial statement. We cannot have this amendment.

**Mr. Chairman:** By this amendment the hon. Member wants to omit the words "with the previous approval of the President". The logical consequence of the non-acceptance of the hon. Member's amendment to clause 33 is that this amendment may not be accepted by the hon. Minister.

**Shri Gopalaswami:** I do not accept it.

**Shri Poonacha:** In view of the substitution of "President" by "Chief Commissioner" in clause 33, I think we should do the same thing here.

I beg to move:

In part (b) of sub-clause (1) of clause 36, for "President" substitute "Chief Commissioner".

**Mr. Chairman:** Amendment moved:

In part (b) of sub-clause (1) of clause 36, for "President" substitute "Chief Commissioner".

**Shri Sarwate (Madhya Bharat):** The whole clause 36 contemplates that the Chief Commissioner shall do certain things. How can it be said with the previous approval of himself?

**Shri Rajagopalachari:** In clause 36 we are dealing with supplementary grants and an obligation is laid on the

head of the State, namely the Chief Commissioner, to lay a supplementary financial statement. So, there will be no sense in saying "with the permission of the Chief Commissioner". The exact language of clause 33 should be repeated here and it is there.

**Mr. Chairman:** So, as I understand the position, neither of the two amendments is accepted.

**Capt. A. P. Singh:** I beg leave to withdraw my amendment.

**Shri Poonacha:** I also beg leave to withdraw my amendment.

The amendments were, by leave, withdrawn.

**Mr. Chairman:** The question is:

"That clause 36 stand part of the Bill."

The motion was adopted.

Clause 36 was added to the Bill.

**Clause 37.—(Rules of Procedure.)**

**Shri Gopalaswami:** I beg to move:

For sub-clause (2), of clause 37, substitute:

"(2) Until rules are made under sub-section (1), the rules of procedure and standing orders with respect to the Legislative Assembly of the State of Uttar Pradesh in force immediately before this section comes into force in any State shall have effect in relation to the Legislative Assembly of that State subject to such modifications and adaptations as may be made therein by the Chief Commissioner."

**Mr. Chairman:** Amendment moved:

For sub-clause (2) of clause 37, substitute:

"(2) Until rules are made under sub-section (1), the rules of procedure and standing orders with respect to the Legislative Assembly of the State of Uttar Pradesh in force immediately before this section comes into force in any State shall have effect in relation to the Legislative Assembly of that State subject to such modifications and adaptations as may be made therein by the Chief Commissioner."

**Capt. A. P. Singh:** I beg to move:

In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar,

in the proposed sub-clause (2) of clause 37, at the end, add:

"with the consultation of the Speaker".

The words used here are "with such modifications and adaptations as may be made therein by the Chief Commissioner." I want that it may be added "with the consultation of the Speaker".

**An Hon. Member:** Before the Speaker is elected?

**Capt. A. P. Singh:** No. The Speaker will be elected. But these rules will go on.

**Mr. Chairman:** Does the hon. Member want to move his other amendment also?

**Capt. A. P. Singh:** Yes. I beg to move:

In the proviso to sub-clause (1) of clause 37, omit "and with the approval of the President".

**Mr. Chairman:** Does the hon. Minister want to make any reply?

**Shri Gopalaswami:** With regard to the first amendment of the hon. Member, this particular sub-clause is intended to deal only with the interval, before rules are made under sub-clause (1). That is to say, it is intended really to deal with a time when there will be practically no Speaker. Therefore, it is unnecessary to provide for consultation with the Speaker. As regards the main rules themselves, the Speaker is mentioned—"the Chief Commissioner shall, after consultation with the Speaker of the Legislative Assembly and with the approval of the President, make rules". That is the main thing, so that his second amendment is covered by the language in the sub-clause itself. His first amendment seems unnecessary because it is intended to deal with a time when there is no Speaker.

**Capt. A. P. Singh:** Then I do not press that amendment.

**Mr. Chairman:** What about the second one?

**Capt. A. P. Singh:** Even that I do not press.

**Mr. Chairman:** I have not placed these amendments before the House. The amendment before the House is the one moved by the hon. Minister. I shall now put it to the House.

**Shri Dwivedi (Vindhya Pradesh):** Has the hon. Member, Capt. A. P. Singh, had the leave of the House to withdraw his amendments?

**Mr. Chairman:** I have not placed them before the House at all. I only

[Mr. Chairman]

wanted to know the reaction of the hon. Minister on those amendments and the hon. Member is satisfied.

The question is:

For sub-clause (2) of clause 37, substitute:

"(2) Until rules are made under sub-section (1), the rules of procedure and standing orders with respect to the Legislative Assembly of the State of Uttar Pradesh in force immediately before this section comes into force in any State shall have effect in relation to the Legislative Assembly of that State subject to such modifications and adaptations as may be made therein by the Chief Commissioner."

The motion was adopted.

**Mr. Chairman:** The question is:

"That clause 37, as amended, stand part of the Bill."

The motion was adopted.

Clause 37, as amended, was added to the Bill.

**Clause 38.—**(Language to be used etc.)

**Shri Gopaldaswami:** I beg to move:

In sub-clause (1) of clause 38 after "shall be transacted" insert "in the official language or languages of the State or".

**Shri Dwivedi:** I want to know what will be the procedure for determining the official language of any State. As a matter of fact the official language in Vindhya Pradesh is Hindi but in the courts, English is prevalent since the enforcement of the Constitution. So it is difficult to know whether English is the official language or Hindi is the official language there.

**Shri Gopaldaswami:** As regards the language, that will be governed by the provisions of the Constitution.

**Mr. Chairman:** The question is:

In sub-clause (1) of clause 38 after "shall be transacted" insert "in the official language or languages of the State or".

The motion was adopted.

**Mr. Chairman:** The question is:

"That clause 38, as amended, stand part of the Bill."

The motion was adopted.

Clause 38, as amended was added to the Bill.

**Clause 39.—**(Restriction on discussion etc.)

**Shri Lakshmanan:** I beg to move:

In clause 39, for "for the" substitute "of a".

The purpose of this amendment is to exclude the conduct of all Judicial Commissioners whether of that particular State or of any other State from the purview of legislative discussion. The Judges of the Supreme Court and the Judges of all High Courts enjoy this privilege. The Judicial Commissioner of that particular State alone enjoys that privilege under the present clause. I want to extend that privilege to the Judicial Commissioners of all States, whether of that particular State or of any other State. Therefore, to facilitate that I have moved that the words "for the" may be substituted by the words "of a".

**Mr. Chairman:** Amendment moved:

In clause 39 for "for the" substitute "of a".

**Shri Gopaldaswami:** Do I understand the hon. Member to mean that the conduct of the Judicial Commissioner in Coorg should not be questioned or discussed in Himachal Pradesh?

**Shri Lakshmanan:** Yes, that is what I mean.

**Shri Rajagopalachari:** Just as we do not qualify a High Court with "of any State" we may omit the qualifications for Judicial Commissioners.

**Shri Sarwate:** Before the hon. Minister says anything, I should like to say a few words. The difficulty is this. If we adopt this we are debarring the Legislative Assembly from discussing the conduct of a Judicial Commissioner also. That is not desirable because by that we are restricting the scope of the discussion of the Legislative Assembly. The status of Supreme Court Judges is entirely different from that of the High Court Judges. They have been given certain privileges under the Constitution.

**Shri Lakshmanan:** My hon. friend is totally under a misapprehension. The conduct of the Judicial Commissioner of that particular State is even now excluded from the purview of legislative discussion.

1 P.M.

**Shri Sarwate:** I have not finished yet. The object of the present clause,



as it is worded at present, is that in that State, because there is a particular relationship between the Legislative Assembly and the Judicial Commissioner there, the Legislative Assembly is not empowered to discuss the actions of that Judicial Commissioner alone. As regards Judicial Commissioners of the rest of India, or in other States, it can discuss. The reason is this. High Court Judges have been specially created under the Constitution; so far as I understand, Judicial Commissioners are not so created. So, the Judicial Commissioners have a different status from that of the Judges of the Supreme Court or High Courts, according to the Constitution. Because the Supreme Court Judges and High Court Judges are outside the pale of the discussion of Legislative Assemblies, that should not apply to Judicial Commissioners. By moving this amendment, my hon. friend is taking away the powers of the Legislative Assemblies unnecessarily.

**Shri Gopaldaswami:** He does intend to take away the power. But, we have got to remember that the Judicial Commissioner in a Part C State occupies the same position as a High Court Judge in a Part A or Part B State. He is the supreme judicial tribunal or officer in the State and the spirit of this particular clause is that the head of the judiciary in a State should be immune from criticism in the Legislature. The only thing I was considering was whether this immunity should be extended beyond the Judicial Commissioner of the particular State so as to confer this immunity on Judicial Commissioners of other States as well. That would be the effect of the hon. Mr. Lakshmanan's amendment. Personally, I do not see any objection to accept it. I would accept it in substance; but instead of the actual amendment that he has proposed, I would omit the words "for the State".

**Pandit M. B. Bhargava (Ajmer):** May I ask whether the conduct of a Judicial Commissioner is open to criticism in other Legislatures of Part A or Part B States and if so, why should the conduct of any Judicial Commissioner other than that of that particular State be not open to criticism in that State Legislative Assembly?

**Shri Rajagopalachari:** If in the same State we should immune the judicial authority from Legislative Assembly discussion, there is greater reason for giving immunity in States which have nothing to do with that Judicial Commissioner. It is the authority of

justice, so to say, that is safeguarded here. The Supreme Court or the High Court or whatever is equivalent to that should be free from debates in the Legislative Assembly in that State or elsewhere.

**Pandit M. B. Bhargava:** The point is whether the conduct of a Judicial Commissioner of a Part C State will or will not be open to criticism in the Legislature of a Part A or Part B State. If it is open to criticism, there is absolutely no reason why in a Part C State, the conduct of a Judicial Commissioner other than that of that particular State should not be open to criticism.

**The Minister of State for Transport and Railways (Shri Santhanam):** My hon. friend's argument will mean that High Court Judges should be capable of being criticised in Part C States.

**Pandit M. B. Bhargava:** That is not my point.

**Shri Santhanam:** It is not a *quid pro quo*. It is a matter of general principle. Because immunity was not extended to a Judicial Commissioner in the Constitution, as there was no Judicial Commissioner then, there is no reason why, when we are making a particular law, we should not extend the immunity. The principle is the same. Otherwise, High Court Judges will have to be removed from the clause according to his arguments.

**श्री भट्ट :** क्या इस पार्लियामेंट में  
जुडिशल कमिश्नर (Judicial Commissioner) की आलोचना की जा सकेगी ?

[**Shri Bhatt:** Could the Judicial Commissioner be criticised in this Parliament?]

**Pandit M. B. Bhargava:** I am sorry my hon. friend has wholly misunderstood me. I do not want the conduct of the Judges of the High Courts or of the Supreme Court to be criticised in any Legislature. Their conduct is already protected under the Constitution whether it be in the Legislature of a Part A, Part B or Part C State. The only point that we are considering here today is this. When the conduct of a Judicial Commissioner is not above criticism in a Part A or Part B State Legislature, why should it be above criticism in a part C State Legislature?

**Mr. Chairman:** The point has been properly understood. What **Shri Santhanam** maintains is if there is a lacuna in the Constitution and we did not then put something in the Constitution, there is no reason why

[Mr. Chairman]

we should not do it here. If the position of the Judicial Commissioner is tantamount to that of a High Court Judge, there is no reason why we should not give him immunity from his conduct being discussed in the Part C States.

**Shri Lakshmanan:** I accept the modification suggested by the hon. Minister.

**Mr. Chairman:** Well then, the question is:

In clause 39, omit "for the State".

The motion was adopted.

**Mr. Chairman:** The question is:

"That clause 39, as amended, stand part of the Bill."

The motion was adopted.

Clause 39, as amended, was added to the Bill.

Clause 40 was added to the Bill.

**Clause 41.—(Council of Ministers.)**

**Shri Gopalaswami:** I beg to move:

For the heading to clause 41 and clause 41, substitute:

"PART III—COUNCIL OF MINISTERS

41. *Council of Ministers.*—(1) There shall be a Council of Ministers in each State with the Chief Minister at the head to aid and advise the Chief Commissioner in the exercise of his functions in relation to matters with respect to which the Legislative Assembly of the State has power to make laws except in so far as he is required by any law to exercise any judicial or quasi-judicial functions:

Provided that, in case of difference of opinion between the Chief Commissioner and his Ministers on any matter, the Chief Commissioner shall refer it to the President for decision and act according to the decision given thereon by the President, and pending such decision it shall be competent for the Chief Commissioner in any case where the matter is in his opinion so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary:

Provided further that in the State of Delhi every decision taken by a Minister or by the

Council in relation to any matter concerning New Delhi shall be subject to the concurrence of the Chief Commissioner, and nothing in this sub-section shall be construed as preventing the Chief Commissioner in case of any difference of opinion between him and his Ministers from taking such action in respect of the administration of New Delhi as he in his discretion considers necessary.

(2) The Chief Commissioner shall, when he is present, preside at meetings of the Council of Ministers, and, when the Chief Commissioner is not present, the Chief Minister or, if he is also not present, such other Minister as may be determined by the rules made under sub-section (1) of section 43, shall preside at meetings of the Council.

(3) If any question arises as to whether any matter is or is not a matter as respects which the Chief Commissioner is required by any law to exercise any judicial or quasi-judicial functions the decision of the Chief Commissioner thereon shall be final.

(4) If in the State of Delhi any question arises as to whether any matter is or is not a matter concerning New Delhi, the decision of the Chief Commissioner thereon shall be final:

Provided that in case of any difference of opinion between the Chief Commissioner and his Ministers on such question, it shall be referred for the decision of the President and his decision shall be final.

(5) The question whether any, and if so what, advice was tendered by Ministers to the Chief Commissioner shall not be inquired into in any court."

**Mr. Chairman:** Amendment moved:

For the heading to clause 41 and clause 41 substitute:

"PART III—COUNCIL OF MINISTERS

41. *Council of Ministers.*—(1) There shall be a Council of Ministers in each State with the Chief Minister at the head to aid and advise the Chief Commissioner in the exercise of his functions in relation to matters with respect to which the Legislative Assembly of the State has power to make laws except in so

far as he is required by any law to exercise any judicial or quasi-judicial functions:

Provided that, in case of difference of opinion between the Chief Commissioner and his Ministers on any matter, the Chief Commissioner shall refer it to the President for decision and act according to the decision given thereon by the President, and pending such decision it shall be competent for the Chief Commissioner in any case where the matter is in his opinion so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary:

Provided further that in the State of Delhi every decision taken by a Minister or by the Council in relation to any matter concerning New Delhi shall be subject to the concurrence of the Chief Commissioner, and nothing in this sub-section shall be construed as preventing the Chief Commissioner in case of any difference of opinion between him and his Ministers from taking such action in respect of the administration of New Delhi as he in his discretion considers necessary.

(2) The Chief Commissioner shall, when he is present, preside at meetings of the Council of Ministers, and, when the Chief Commissioner is not present, the Chief Minister or, if he is also not present, such other Minister as may be determined by the rules made under sub-section (1) of section 43, shall preside at meetings of the Council.

(3) If any question arises as to whether any matter is or is not a matter as respects which the Chief Commissioner is required by any law to exercise any judicial or quasi-judicial functions the decision of the Chief Commissioner thereon shall be final.

(4) If in the State of Delhi any question arises as to whether any matter is or is not a matter concerning New Delhi, the decision of the Chief Commissioner thereon shall be final:

Provided that in case of any difference of opinion between the Chief Commissioner and his Ministers on such question, it shall be referred for the decision

of the President and his decision shall be final.

(5) The question whether any, and if so what, advice was tendered by Ministers to the Chief Commissioner shall not be inquired into in any court."

**Capt A. P. Singh:** I beg to move:

(i) In the amendment proposed by the hon. Shri N. Gopaldaswami Ayyangar, in sub-clause (1) of the proposed clause 41, omit:

"except in so far as he is required by any law to exercise any judicial or quasi-judicial functions".

(ii) In the amendment proposed by the hon. Shri N. Gopaldaswami Ayyangar, omit the first proviso to sub-clause (1) of the proposed clause 41.

(iii) In the amendment proposed by the hon. Shri N. Gopaldaswami Ayyangar, omit sub-clauses (2) and (3) of the proposed clause 41.

I feel that this is the most controversial clause that has been proposed here. Before I start on the main amendments, I should like to say that even when loud thinking was going on about this Bill, I made it perfectly clear that so far as Vindhya Pradesh was concerned, nothing would be acceptable to Vindhya Pradesh less than full responsible Government. This I want to be clearly understood so that it may not be misunderstood now that I am going behind any terms agreed upon. This I want to be clearly understood. And I feel that by the introduction of this clause even the semblance of democracy has been taken away and in this clause we see dyarchy in its naked form. We were under the impression that for so many years dyarchy had been given a decent burial and that by the Congress party. I am amazed to see that the same party is going to resurrect it. It is not like the resurrection of a plant in Iceland but it is like the demons who came out of every drop of blood. I therefore oppose it. On the one hand we shall have the representatives of the people fired with the zeal of patriotism and eager to serve the people and on the other there will be a Chief Commissioner fired with the zeal of getting promotion, eager to accumulate wealth with his fat salary and wanting to abound in superfluities. These two kinds of people have been brought together. The tragedy of it is that the Chief Commissioner is to preside

[Capt. A. P. Singh]

over the body. Is it in any way proper that such a provision should be made in this Bill?

The tragedy of it all is that unfortunately the Ministers of States do generally approve of what the Chief Commissioner says. They have more reliance on their Secretaries and on the Chief Commissioner than they have on the representatives of the people. Whatever is said by the former is taken as truth revealed. Yesterday I was amazed to hear the Minister of States say that I, along with my colleagues here and outside, was in favour of merger. He never thought even as a matter of courtesy to call me and ask...

**Shri Gopaldaswami:** May I point out that the hon. and gallant and, as my hon. colleague added, vigilant Captain has stated the position inaccurately. I have never committed myself to the statement that Capt. Avadesh Pratap Singh is now in favour of merger.

**Capt. A. P. Singh:** He said I was. Had he called me I would have given him the whole fact and he would have come to know, irrespective of what was said by his Secretary or anybody else, what the position about merger was. I agree with the States Minister that Sardar Patel tried his best to merge Vindhya Pradesh. There I agree with him. But through what stages it passed? There he is perfectly wrong. The first stage was when I was the Chief Minister.

**Mr. Chairman:** How long more will the hon. Member take?

**Capt. A. P. Singh:** Some allegations have been brought against us and it is necessary that I should make my position clear.

**Mr. Chairman:** Is the hon. Member likely to take long to conclude?

**Capt. A. P. Singh:** I would take another half an hour.

**Mr. Chairman:** Then we may adjourn now.

**Shri Gopaldaswami:** Before we adjourn may I make a representation? We have a few clauses left and if possible, on account of the necessity of finishing this piece of legislation at the earliest possible time, I would suggest that we so arrange that we finish today. And if the House has no objection, I would suggest for your consideration, Sir, that we may meet at 5-30 P.M. and sit till this Bill is finished. I have to ask for this indulgence because while we might meet tomorrow my hon. colleague will

not be able to be here tomorrow. Therefore, I have to put the House to this inconvenience.

**Pandit Kunzru:** We have Select Committee meetings today and we cannot come here at 5.30.

**Shri Kamath:** May I submit that instead of meeting this evening we may meet tomorrow morning? I do not know when the Home Minister is leaving tomorrow.

**Shri Rajagopalachari:** I need not be here—it can be done tomorrow.

**Shri Kamath:** Tomorrow morning we may meet, and the questions for the 16th August, which were postponed because the Commerce and Industry Deputy Minister and his Chief were both absent last time, may be taken up tomorrow.

**Shri Sidhva:** Tomorrow we have got other engagements—if you want we can meet today.

**Mr. Chairman:** So far as the questions are concerned, I understand they have already been postponed to some other date.

**Shri Kamath:** The Deputy-Speaker gave a definite undertaking that they would be taken on the next day on which Parliament meets for which no questions had been fixed.

**Mr. Charman:** I understand definite arrangements have been made and they cannot be disturbed now. As regards meeting again, I think it would be desirable to meet this evening at six.

*The House then adjourned till Six of the Clock.*

*The House re-assembled at Six of the Clock.*

[MR. DEPUTY SPEAKER in the Chair]

**Capt. A. P. Singh:** I was bringing to the notice of the hon. Minister of States that all the facts are not placed before him when a question is taken up as between the Chief Commissioner or other I.C.S. officers on the one hand and popular representatives on the other. As an example, I was citing the merger question of Vindhya Pradesh. As was said by the hon. Minister, Sardar Vallabhbhai Patel wanted to merge it, but it went into several stages.

**Shri Gopaldaswami:** On a point of order. I do not know if the question of merger of Vindhya Pradesh in a neighbouring State or what Sardar Patel did or what Capt. Avadesh Pratap Singh did is relevant to the particular clause we are considering.

**Capt. A. P. Singh:** It is relevant in this sense that an aspersion was thrown against me that at first I was in favour of merger and now I have changed my views and become against merger.

**Mr. Deputy-Speaker:** Order, order. The question of merger does not arise on this clause. There is the third reading during which he can speak on it, or there are always other occasions and then there is also the newspaper. But on this clause it is not relevant.

**Capt. A. P. Singh:** I am only dealing with what has been said by the hon. Minister. It is but proper that I should be given an opportunity so that I may refute the things which have been said by the hon. Minister. I shall not take more than a minute or two.

**Mr. Deputy-Speaker:** It is not a question of time, but I will not allow this discussion because it is not as if everything that falls from the lips of the hon. Minister should be answered straightway, whatever may be the occasion. This clause is not the occasion for saying something in general and then trying to explain one's own attitude with respect to what the hon. Minister has said. It is neither relevant to the clause nor to the amendment.

**Capt. A. P. Singh:** Then I shall see at the third reading stage. The point is that this clause leads to the humiliation of the popular representatives. They will be presided over by the Chief Commissioner. This fact will not only have a demoralising effect on the representatives of the people, but actually it will be soul killing. I may even go to the extent of saying that only submissive, docile, weak and meek Ministers will be palatable to the Chief Commissioner. No independent man, no man who has got any self-respect would like to work under the Chief Commissioner. What will be the ideal of the Chief Commissioner? His ideal is to accumulate wealth, to have fat salaries, to have promotions. So he dances to the tune of the Secretariat, while the popular representatives go there to serve the people. They are prepared to go even without necessities. So, it is not proper that the Chief Commissioner should preside over the Cabinet meetings.

Moreover, in the Cabinet meetings it is not always formal matters that

are discussed. Sometimes the Ministers talk of informal subjects. You know, Sir, what is the main objection of the people to the Hindu Code. The main objection is that the son-in-law should not be allowed to live with sons, though they are quite related.

**Shrimati Durgabai (Madras):** There is no such thing in Hindu law.

**Capt. A. P. Singh:** I will illustrate the point, though it may be wrong. They are going to this extent. A person who does not belong to the family, who is a man of the services is going to be thrust in the family of the representatives of the people. That is why I say that the whole thing is completely absurd. It is quite absurd to have the Chief Commissioner there as the head of the representatives of the people.

If, however, it is the desire of the Government, that no independent man, no man with conscience should be the Chief Minister, then, of course this clause is all right. If it is the purpose of Government that independent persons, men with self-respect, should go there, then of course, this clause should be deleted and the Chief Commissioner should not be allowed to preside over Cabinet meetings. I am sure I will have the support of the whole House in regard to this matter.

The real difficulty arises this way. When these Ministers make allegations against the I. C. S. officers they are not even heeded. That has been my sad experience. The Central Government brushed aside all allegations against I. C. S. officers—they were not even listened to. Nor were they enquired into, while an enquiry was made about all the Cabinet Ministers. This was what was done by the Central Government. So, this is our tragedy. Cases are concocted by these I.C.S. officers. Even when it was proved to the hilt that they were concocted by the I. C. S. officer, he was not punished because he belonged to the I. C. S. I can cite actual instances, though at this stage I do not want to take up the time of the House over that.

**Shri Rajagopalachari:** Suppose I promise to appoint Provincial Service people, will there be no objection?

**Capt. A. P. Singh:** My point is that they belong to one hierarchy. From the Chief Commissioner downwards, they put everything in such a way before the Ministers, that the latter are invariably led away. They are pastmasters in influencing Ministers, while the representatives of the people are kept aloof and miles away.

**Mr. Deputy-Speaker:** How is all this relevant?

**Shri Dwivedi:** On a point of information, may I know from the hon. Member whether during his Chief Ministership his popular colleagues in the Cabinet were behaving in such a way as he is confidently speaking about them. If he blames the I.C.S. officers, he should at least be confident about the behaviour of his colleagues.

**Capt A. P. Singh:** I was not in tune with my colleagues. There were quarrels among us in the Cabinet. I do not say there was no fault on our part—I do not say we were not quarrelling. Even congressmen are quarrelling. I say when an enquiry was held against my colleagues, why should an enquiry not have been held against the I.C.S. officers?

**Mr. Deputy-Speaker:** How is it relevant?

**Capt A. P. Singh:** It is relevant in this way. When the Chief Commissioner presides over the Cabinet he will be in a better position not to allow them to do anything which may be in the public interest. For example during my period of office I wanted to separate the judiciary from the executive. I was forced by the advice of the I.C.S. officers to amalgamate them. Therefore, I say that the Chief Commissioner should not remain there to preside over the meetings of the Cabinet.

Moreover, it is not a democratic procedure. Suppose, here in the Centre a non-Minister presides over the Cabinet meetings. What will be the result? I do not think that he will ever be tolerated. He will never be tolerated. Similarly in Part B States he will not be tolerated. There are so many clauses in the Bill where enough powers have been given to the Chief Commissioner. Take for instance clauses 45 and 46. Absolute power has been given to the President and it has been said that whenever the Chief Commissioner differs from the Cabinet the matter can be referred to the President. If it were a matter of urgency, he has the power to issue orders as he pleases. When all these powers have been given to the Chief Commissioner I see no reason why it should be necessary that he should preside over the meetings of the Cabinet. The Bill from beginning to the end is full of clauses to the effect that nothing can be done without the consent and approval of the Chief Commissioner.

**Shrimati Durgabai:** On a point of order. Is not the hon. Member repeating the same points. The same

arguments have been advanced over and over again.

**Mr. Deputy-Speaker:** The hon. Member perhaps feels that the more he repeats the better he is understood.

**Capt. A. P. Singh:** One more point and I have done. In Part B States they go there as Regional Commissioners. They do not preside over Cabinet meetings. So my point is this. Even if it is very necessary that somebody should go to the Cabinet, he may go there, but he should not preside over the meetings. That is not in keeping with the spirit of democracy. As Regional Commissioners go now and then he may be called, or whenever there is some important point being taken up then he may go there. But it is not necessary for him to preside. When it has been conceded that he will rub shoulders with other members, why should he go there and preside? He may sit like other members, like the Regional Commissioners. Because, it has been conceded the other day that he has to rub shoulders with the others. That is my point and I hope that the House will consider this and the hon. Minister also will take a sympathetic view of this.

There is one other point. I have said here that judicial and quasi-judicial functions should not be given to the Chief Commissioner. My point is that the judiciary should be quite independent. I am expecting that a Bill will be brought in this House according to some article of the Constitution—perhaps article 241—to have High Courts in Part C States. In fact there was a High Court in Vindhya Pradesh which has now been reduced to the position of a Judicial Commissioner's Court because the State was reduced from the position of a Part B State to that of a Part C State. My point is that in no case should the Chief Commissioner function even as a judicial officer. There should be a judiciary, and the executive should be quite separate. Therefore I submit that the words "except in so far as he is required by any law to exercise any judicial or quasi-judicial functions" should be deleted.

**Mr. Deputy-Speaker:** Amendments moved:

(i) In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar, in sub-clause (1) of the proposed clause 41, omit:

"except in so far as he is required by any law to exercise any judicial or quasi-judicial functions".

(ii) In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar, omit the first proviso to sub-clause (1) of the proposed clause 41.

(iii) In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar, omit sub-clauses (2) and (3) of the proposed clause 41.

**Shri Dwivedi:** In connection with this clause I had my own doubts...

**Pandit Thakur Das Bhargava:** There are other amendments also. Is my hon. friend going to move any amendment?

**Mr. Deputy-Speaker:** He has tabled some amendments.

**Shri Dwivedi:** Can I say a few words, Sir?

**Mr. Deputy-Speaker:** I would like to know if he is going to move any of his amendments.

**Shri Dwivedi:** No, Sir, I do not want to move.

**Mr. Deputy-Speaker:** I will come to the other amendments later on. The hon. Member has already started. He may go on.

**Shri Dwivedi:** In connection with this clause where the Chief Commissioner has been made to preside over the meetings of the Cabinet, I had my doubts. As a matter of fact, as I said the other day, the Chief Commissioners do not have any spirit of self-sacrifice with which a public worker comes. Public workers are elected out of so many thousands and lakhs of voters. To thrust a person of the service class on them is not good. Therefore, we had submitted a request to the hon. the Prime Minister to consider the matter. Yesterday I had a talk with the hon. the Minister of States and he gave me this assurance: "Look here, in Vindhya Pradesh they have got a sad experience regarding the working of the Ministry there. Therefore, the clause shall remain there, but it shall not be operative. For all intents and purposes the Chief Commissioner shall not preside".

**Shri Gopalaswami:** Sir, may I interrupt my hon. friend? I have no recollection of having told my friend anything like that.

**Shri Dwivedi:** Excuse me if I am wrong. But I was told that if by experience it is found that the persons behave and work in the proper sense later on, the Chief Commissioner shall not preside and it will work as a responsible Cabinet. That was, I suppose, what the hon. Minister said.

**Shri Gopalaswami:** What I said was that the clause provides for the Chief Commissioner presiding when he is present. The way in which conventions should develop in the course of the working of these institutions should be for the Chief Commissioner not to be present and allowing the Chief Minister to preside. That is a matter of convention. It is in that way that things should develop. That is what I remember I told him.

**Shri Dwivedi:** But in the case of Part B and Part A States we have never started with the convention. From my experience I can say that whatever Indian States were formerly in existence, even though some of them were better administered than some of the Part A States, none of them have been considered good enough to be given that administrative set-up as has been given to the Part A States. All the Provinces which were British Indian Provinces, they are all considered to be fit, even though Punjab is one of them. But the Part C States some of which are far more advanced than many Part A States have not been considered to be at that level. I do not know the reason why the Central Government should entertain any doubts about the people or the sense of responsibility of the public men or popular men in these Indian States. I think the Indian States have equally played their role in the fight for independence and proved their merit in an equal way. And I do not think there is any dearth of people as is imagined. Besides, I said in the last session when this Bill was considered, and I appealed to the Central Government that if they thought that the persons were backward then they should put them as apprentice Ministers in other Provinces so that they might in course of time...

**Mr. Deputy-Speaker:** I think we are going back to the old argument that there ought not to be any difference between one State and another.

**Shri Dwivedi:** I submit that the Chief Commissioner presiding is not considered to be a good proposal in any of these Part C States, and particularly in Vindhya Pradesh. Therefore, I request that if it is found reasonable the hon. Minister should consider the proposal and the provision for the Chief Commissioner to preside over the Cabinet should be withdrawn and it should be made possible that only the Chief Minister should preside over the meetings of the Cabinet. For all intents and purposes the control of the Central Government shall remain and we shall work in accordance with those instructions. After all, these

[Shri Dwivedi]

Ministers would be responsible to the Legislature. Therefore, they should have no doubts on that score. When we have provided no machinery for the development of such conventions in any other States, in the Part B or Part A States, why should this sort of thing be done in Part C States, and particularly in Vindhya Pradesh which has already been a Part B State? Whatever blame has been thrown on that Ministry, I may tell you frankly that it was due to the wrong choice of Ministers. Therefore, the working was not good there. Now there can be no doubts on this point. There will be an elected legislature which will elect its leader who will form the Cabinet and there will be democratic working. Therefore, there should be no doubt in this connection also. I do not understand why the Central Government think that in the case of Part C States this provision should be there. I therefore request the hon. Minister and the Prime Minister kindly to consider the case, particularly of Vindhya Pradesh.

**Pandit Thakur Das Bhargava :** I beg to move :

(i) In the amendment proposed by the hon. Shri N. Gopaldaswami Ayyangar, omit the second proviso to sub-clause (1) of the proposed clause 41.

(ii) In the amendment proposed by the hon. Shri N. Gopaldaswami Ayyangar, for the second proviso to sub-clause (1) of the proposed clause 41, substitute :

"Provided further that in the State of Delhi the decision of the Minister or the Council of Ministers in all executive matters relating to the items for which..."

Sir, with your permission I want to omit the word "final".

"...powers of legislation have not been given to the legislature of the Delhi State shall be subject to such modification as the Chief Commissioner might make in his discretion and nothing in this sub-section shall prevent the Chief Commissioner in case of difference of opinion between him and the Ministry from taking such action as he considers necessary."

(iii) In the amendment proposed by the hon. Shri N. Gopaldaswami Ayyangar, for sub-clause (2) of the proposed clause 41, substitute :

"(2) The Chief Minister shall preside at the meetings of the Council of Ministers and in case he

is not present such other Minister as may be determined by the rules made under sub-section (1) of section 43 shall preside at meetings of the Council of Ministers.

Provided that whenever the Chief Commissioner chooses to be present at any meeting of the Council of Ministers he shall preside at such meeting."

(iv) In the amendment proposed by the hon. Shri N. Gopaldaswami Ayyangar, for sub-clause (4) of the proposed clause 41, substitute :

"(4) If in the State of Delhi any question arises as to whether any matter is or is not a matter referred to in the proviso to sub-section (1) the decision of the Chief Commissioner for the time being shall be final.

Provided that the Ministry may refer the difference to the President whose ultimate decision shall be final."

In regard to these amendments, there are one or two points which are involved and on which I want a clarification. In the first place there are two provisos to this clause. I object to the second proviso. In this the position of the Ministry of Delhi has been made almost intolerable. The words are: "Provided further that in the State of Delhi every decision taken by a Minister or by the Council in relation to any matter concerning New Delhi shall be subject to the concurrence of the Chief Commissioner etc." My submission is that in regard to matters in respect of which the law making powers have been reserved by the Central Government, I can understand that the executive powers in regard to those matters may not be allowed to be exercised by any Minister in Delhi. In regard to this the amendment moved by Shri Gopaldaswami Ayyangar says this :

"There shall be a Council of Ministers in each State with the Chief Minister at the head to aid and advise the Chief Commissioner in the exercise of his functions in relation to matters with respect to which the Legislative Assembly of the State has power to make laws except in so far as he is required by any law to exercise any judicial or quasi-judicial functions."

So far as the first part of the clause goes, it is quite correct according to legal principles that in regard to matters of law making the executive powers should not be exercised by the Minister in Delhi but in respect of matters in which the Legislature shall have power, my



submission is that ordinarily in regard to such matters in which the law making power is there in the Legislature, the Ministers should be able to exercise power. According to this proviso, he will have absolutely no power except such power as is controlled by the Chief Commissioner. Now, if you will kindly refer to article 162 of the Constitution, you will find :

“Subject to the provisions of this Constitution, the executive power of a State shall extend to the matters with respect to which the Legislature of the State has power to make laws.”

I quite realize that but when I was arguing the amendment in regard to clause 26, the hon. Minister in reply to that pointed out that Government proposed to devolve some powers later on the Ministers, so that they may be able to function and in that connection he referred to article 258 of the Constitution. On a perusal of article 258 I am inclined to say that there can be no devolution at all under article 258 because it relates to other matters. In the first instance, clause (1) relates to matters regarding the power of the Union and it does not relate to the powers of the State Legislature. Therefore, there will be no devolution so far as the powers of State Legislature are concerned because it only deals with the powers of the Union Legislature and in regard to clause (2) of this article 258—this refers to a law to be made by Parliament. Even under this there can be no devolution unless the law is made and the law is not existing today. At the same time, a perusal of clause (3) of article 258 would show that as a matter of fact, it refers to quite a different thing. It reads as follows :

“Where by virtue of this article powers and duties have been conferred or imposed upon a State or officers or authorities thereof, there shall be paid by the Government of India to the State such sum as may be agreed, or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of India, in respect of any extra costs of administration incurred by the State in connection with the exercise of those powers and duties.”

This is absolutely a different thing. I remember when the Constitution was being made, at that time, these powers were explained and they referred to absolutely other matters and they did not refer to the powers of the State Legislature and the executive power relating to these laws. I do not therefore think that under article 258 any of these powers could be devolved. Now

the question is that according to the amended provision of clause 41 the powers of the Ministers shall only be confined to such matters in which the Legislature can be given powers and in regard to that also no decision regarding Delhi shall be allowed to be taken, which is tantamount to saying that the powers which ordinarily a Minister shall enjoy in respect of matters which relate to the law making powers of the Legislature, even there he will not be allowed to function. This is too much and I do not know if it is legal also. Every Minister who wants to exercise powers in regard to those subjects may be curbed in this manner. As a matter of fact it is not a question of curbing the powers or controlling powers. This is a question of totally denying any sort of powers to the Minister in regard to New Delhi. Every decision taken by a Minister in relation to any matter relating to Delhi however trivial it may be will be set at naught. I appeal to the Hon. Minister to consider how it would work in practice. Further on there is a provision that every question whether any matter concerns New Delhi or not shall also be decided by the Chief Commissioner and I do not know of any matter in Old Delhi which will be totally unconnected with matters in New Delhi, which means that in the rural areas of Delhi also this Minister will not be allowed to do anything if the Chief Commissioner so chooses. My submission is that this proviso is very wide, wider than the present Act and it means that the entire powers of the Ministry will be taken away and they will not be allowed to do anything if the Chief Commissioner so chooses.

Then I request the hon. Minister to consider the other question in regard to the general powers of the Chief Commissioner in relation to the Ministry. The first proviso to sub-clause (1) of clause 41 is very restrictive. In a State like a Part C State I would submit that when we have made provisions safeguarding the powers of Parliament and the powers of the Central Government to such an extent that really we have bound them hand and foot, there is absolutely no reason to think that they can get out of the clutches of the Central Government or of the Legislature and function in a manner in which they do not like them. Article 239 gives powers to the President and barring that we have got clause 45. That clause 45 is so wide and enveloping that I am constrained to say that after this clause is in force, there is no reason to think that any Ministry will be able to do anything which the Chief Commissioner does not want. The words are :

[Pandit Thakur Das Bhargava]

"Notwithstanding anything in the foregoing provisions of this Part, the superintendence, direction and control in all matters relating to the administration of a State shall continue to be vested in the President, and the Chief Commissioner and his Council of Ministers shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by the President."

My submission is that after we have enacted this, the Council of Ministers will be under the general control of the President whether in Old Delhi or in New Delhi. Under article 167 of the Constitution the duties of the Ministers are defined for the Governors' Provinces but according to clause 45 they are entirely different for Part C States and the Ministry shall be bound to follow the particular directions given by the President.

Then follows clause 46. Though the Ministry may have a majority in the House, the Chief Commissioner has absolute right to report that these boys are not working properly and there is failure of the constitutional machinery. This, again, is not all. We know that under clause 27 the powers are concurrent. Again, that is not all. Yesterday, my hon. friend Mr. Deshbandhu Gupta was saying that there are seven locks. He is not a good mathematician. So far as the Part C States are concerned, there are seven locks in which the Ministers are engaged. But, so far as Delhi is concerned, there are ten. As a matter of fact, I can count them; he did not count them. I would beg of the hon. Minister to consider how it would work. After all, it is experience of ages that when you give responsibility to a particular person, he should be allowed to function independently. Otherwise, where is that responsibility? The hon. Minister has got another amendment to clause 42. In the whole Bill, I did not find any provision that the Ministry shall be responsible to anybody. But, when I read the amendment, I found that the hon. Minister had suggested a good thing, but which in this context would become meaningless. That amendment goes to say that the Ministry shall be responsible to the Legislature. I very humbly ask the hon. Minister, how this Ministry can be responsible? When the Chief Commissioner has the last word, when the Chief Commissioner can write anything to the Government and can order them to whatever he likes, how can they be responsible? The Chief Commissioner is the person who will wield all the power. Either say that these

persons would be responsible or they are not. The Chief Commissioner is responsible to the President. They are responsible to whom? If I am not allowed to work properly, where is my responsibility? This provision that the Chief Commissioner will have the last word, and that he shall be able to take legislative action against the declared wish of the Ministry, is, I humbly submit, contrary to the best traditions of responsible Government.

This again, is not all. You have another provision which says that so far as the meetings are concerned, the Chief Commissioner shall ordinarily preside. To that, I have given an amendment. That amendment is a very simple one. I have not taken away the power of the Chief Commissioner. I can fully understand and I can visualise that for a period of one year or so, it may happen that the guidance of the Chief Commissioner will be required by the Ministers. Therefore, I want to amend in this way that ordinarily the Chief Minister shall preside and whenever the Chief Commissioner wants to preside, he shall have the right to preside. The hon. Minister has been pleased to say that conventions are bound to grow and that convention will be such that as time progresses, the Chief Commissioner will choose to be absent and would like to be absent for the purpose of seeing that conventions grow in this manner, and ultimately, the Chief Commissioner will not be present and the Chief Minister will usually preside, and ultimately the whole practice of meetings being presided over by the Chief Commissioner will fall into disuse. It is not the way in which conventions grow. If the provision is that the Chief Commissioner shall preside at every meeting, he will take it that a duty has been cast upon himself to preside. That is the very negation of responsible Government. What would happen in practice? I wish that the Chief Commissioner should be like the official mentor of the whole set-up. He should be there to guide and see that partisan spirit does not crop up and that justice is done to each and every person. From that detached position, you force him to come down to wrangle with the Ministers. Suppose there is a coalition and all the Ministers are not of the same mind: what would happen? He may side with the Ministers opposed to the Chief Minister. I can visualise that. When he has been given the power to speak and take part in the debate, I am afraid, I cannot restrain myself from submitting that you are introducing into the Part C State the seeds of discord whereby the whole experiment will fall. When you are giving him the power to come to the Legis-

lature, state his viewpoint and take part in the debate, where is the reason that he should preside at all meetings? It would mean that he would take part in the debate, he would be a partisan and ultimately the Ministry shall be broken up. Again, suppose the Chief Commissioner is rather a democratically minded person, and he comes down and takes part in the debate, takes sides or at the time when he is presiding he takes up an attitude which is partisan in character, the result will be that the Ministry will be broken up in no time. If they all agree, there will be autocracy of such a kind that the people will roar under its heels. If they do not agree the democracy will be such that there will be constant fighting and ultimately recourse shall be had to clause 46. Therefore, my humble submission is that this provision that the Chief Commissioner shall preside at every meeting will not allow healthy conventions to grow up. Taking the whole thing, I would submit to the hon. Minister that at least in one particular, he should accept the amendment which has been given notice of. It gives the power to the Chief Commissioner to preside at any particular meeting if he wants. It should not be that at every meeting he should preside. This, to my mind, is a very important matter.

Then, again, I have given notice of an amendment to the effect.....

**Mr. Deputy-Speaker :** I think all these amendments have been moved.

**Pandit Thakur Das Bhargava :** I am coming to the third one.

**Mr. Deputy-Speaker :** Have not all these matters been brought in the course of the general discussion and discussion on clause 2?

**Pandit Thakur Das Bhargava :** So far as these clauses are concerned, their detailed consideration was deferred to the time these clauses were taken up.

**Mr. Deputy-Speaker :** All these were used as arguments.

**Pandit Thakur Das Bhargava :** This is the proper time to consider these questions. I submit, as a matter of fact, we are not devoting that attention and earnestness with which this question should be considered. This is a very important matter to my mind. It means the ruin of the whole scheme of democracy in the Part C States. I would respectfully request you kindly to ask the hon. Minister and the House to be more serious rather than shut out discussion. I will sit down; I have nothing more to say. But, with all emphasis I repeat my argument, and I would request the hon. Minister of

States and the hon. Home Minister kindly to look into the matter, because, if this is changed, then a very great sting is taken away. All the Part C States people are thinking that when the Chief Commissioner presides at every meeting, what will be the meaning of their being Ministers there. They will become just like schoolboys before the Chief Commissioner and they will not be able to express themselves. They would look at the Chief Commissioner with a certain awe as he may report against them the next day. He can do anything. To secure the independence of the Ministry it is necessary that the Chief Commissioner, who ought to be looked upon for dispassionate and detached guidance, should not be made to rub shoulders with the Legislature and Ministers. I beg to submit that on both these points I feel very much: in regard to the Chief Commissioner presiding at each meeting as also in regard to the powers that are to be given to the Ministers in Delhi.

**Mr. Deputy-Speaker :** Amendments moved :

(i) In the amendment proposed by the hon. Shri N. Gopaldaswami Ayyangar, omit the second proviso to sub-clause (1) of the proposed clause 41.

(ii) In the amendment proposed by the hon. Shri N. Gopaldaswami Ayyangar, for the second proviso to sub-clause (1) of the proposed clause 41, substitute :

"Provided further that in the State of Delhi the decision of the Minister or the Council of Ministers in all executive matters relating to the items for which powers of legislation have not been given to the Legislature of the Delhi State shall be subject to such modification as the Chief Commissioner might make in his discretion and nothing in this sub-section shall prevent the Chief Commissioner in case of difference of opinion between him and the Ministry from taking such action as he considers necessary."

(iii) In the amendment proposed by the hon. Shri N. Gopaldaswami Ayyangar, for sub-clause (2) of the proposed clause 41, substitute :

"(2) The Chief Minister shall preside at the meetings of the Council of Ministers and in case he is not present such other Minister as may be determined by the rules made under sub-section (1) of section 43 shall preside at meetings of the Council of Ministers.

Provided that whenever the Chief Commissioner chooses to be present at any meeting of the Council of

[Mr. Deputy-Speaker]

Ministers he shall preside at such meeting."

(iv) In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar, for sub-clause (4) of the proposed clause 41, substitute :

"(4) If in the State of Delhi any question arises as to whether any matter is or is not a matter referred to in the proviso to sub-section (1) the decision of the Chief Commissioner for the time being shall be final.

Provided that the Ministry may refer the difference to the President whose ultimate decision shall be final."

**Shri Sidhva :** I have an amendment, Sir.

**Mr. Deputy-Speaker :** Is the hon. Member particularly interested in any of the States?

**Shri Sidhva :** Oh yes. Why not? Am I not a Member of Parliament?

**Mr. Deputy-Speaker :** It is a general interest in all the States.

**Pandit Thakur Das Bhargava :** You are forgetting yourself, Sir. There was no legislation that you did not scrutinise whether it pertained to Madras or not. After taking that lesson, do you think we are not your apt pupils?

**Shri Sidhva :** Do you mean to suggest that this session may be confined to Members from Part C States?

I beg to move :

In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar, for the proposed sub-clause (2) of clause 41, substitute :

"Wherever Chief Minister exists in a State he shall preside at the meetings of the Council of Ministers and not the Chief Commissioner. In absence of the Chief Minister to preside at any meeting a Minister from the Council of Ministers shall preside."

My amendment is self-explanatory. I do not want to waste my breath over it. I have already exhaustively dealt with the provisions of this Bill and opposed especially those relating to Ajmer, Bhopal and Delhi. That apart, I know that Government have made up their mind and are not going to budge an inch, although the arguments adduced from this side of the House are very sound. I cannot, however, refrain from just pointing out to them that they would be doing something

derogatory to the rank of a Minister if they ask him to merely look at the speeches and remarks and sit by the side of the Chief Commissioner when the meetings of the Council of Ministers are held. I wanted to know the meaning of the two words "Minister" and "Commissioner" and the dictionary gives the meaning of "Minister" as the responsible head of a department of state affairs, and that of Commissioner as a person appointed to perform certain duties. Now, I leave it to the hon. Minister to judge which of these two persons is the greater one—Minister or the Commissioner. If he says that the Commissioner is the higher of the two, then he will himself be degrading the position that he is enjoying today as a Minister in the Government of India. If he says that the Minister is really the higher of the two, then why should this gentleman, the Chief Commissioner be put over him?

**Shri Kamath :** Sir, on a point of order. There is no quorum in the House.

**Shrimati Durgabai :** Thirty makes a quorum.

**Mr. Deputy-Speaker :** There is quorum now.

**Shri Sidhva :** I was stating that the hon. Minister should not ridicule or bring down the position of a Minister in a Part C State. After all he is also a Minister, maybe in a Part C State and he will be his colleague. He cannot deny that. He is a Minister, unless you change his name. Therefore, you should not rank him after a servant—that is the dictionary meaning of the term "Commissioner". "Commissioner" is a servant appointed to perform certain duties. He should not, therefore be asked to preside over the meetings, over the head of the Chief Minister of the State.

**Shri Gopalaswami :** Apparently my hon. friend has not felt the need for suggesting an amendment to sub-clause (1) where the Ministers are supposed to aid and advise the Chief Commissioner. If we are going to accept his argument, it is difficult to see why he swallowed that particular sub-clause and is objecting only to the clause about presiding over the meetings. If you refer to the Chief Commissioner as servant, it would hardly be in keeping with propriety for the hon. Member to accept the position that the servant is to be aided and advised by the Masters.

**Shri Sidhva :** But that may be the definition now created by the hon. Minister. But the accepted meaning is there in the dictionary. You may define anything in any manner you like in your

Bill if you want to run down a man. You may say that Minister means so and so. But we cannot ignore the definition of Minister as given in the dictionary.

**Mr. Deputy-Speaker :** The hon. Minister only says that the hon. Member is not consistent. He has accepted the position where the Ministers advise the Chief Commissioner, but here he is objecting to the Chief Commissioner presiding over the meetings.

**Shri Sidhva :** But the point to consider is, at whose instance does the Chief Commissioner accept the advice of the Ministers?

**Pandit Thakur Das Bhargava :** The Chief Commissioner is bound to accept the advice of the Ministers.

**Mr. Deputy-Speaker :** Is there not a real difference between the position of a Governor in a Part A State and that of the Chief Commissioner in a Part C State? The Governor is bound to carry out whatever the Ministers decide. But the Chief Commissioner has got independent jurisdiction. He can over-ride the advice of the Ministers and he is subordinate to the President. That is the difference. Would it not be more useful, if the person, who is the executive head, has also the right to be present when the meetings are held? Really there ought not to be any difference. But once it is accepted that the Part C States should be there different from the others, then all these arrangements are consequential and there is nothing in the arguments now being advanced about this and that.

**Shri Sidhva :** I accept that proposition as far as the Government is concerned, but I am not a party to that.

**Mr. Deputy-Speaker :** But the House has accepted that there should be difference between the Part C States and, say the Part A States.

**Shri Sidhva :** That is true.

**Pandit Thakur Das Bhargava :** But the hon. Minister's position is that in the fulness of time his position will also be that of the Governor. That being so, the hon. Minister should make provisions for proceeding in that direction.

**Mr. Deputy-Speaker :** Yes, he is doing that by means of the amendments that he has brought forward. All these points now are really ancillary to the one that has been accepted. The main question was elaborately debated upon by the House and the House has decided that there should be difference between the Part

A States and the Part C States. That being so, all the other clauses merely follow from that particular decision that has been taken.

**Shri Sidhva :** But those who oppose even that fundamental thing will go on opposing it consistently. That is their function. So much confusion has been created in this Bill. **Shri Dwivedi** who was a party to the informal conference and who had accepted the principle of the Bill now was blaming the Government for allowing this gentleman, the Chief Commissioner, to preside over the meetings of the Council of Ministers. Does that not show confusion?

**Mr. Deputy-Speaker :** Yes. The further complaint is that the hon. Member is aiding and supporting that argument.

**Shri Sidhva :** I do not want to prolong this discussion. I have all along raised my voice against this procedure; I have already stated my arguments against the Bill and at the third reading stage also I will formally raise my protest.

**Mr. Deputy-Speaker :** Amendment moved :

In the amendment proposed by the hon. **Shri N. Gopalaswami Ayyangar**, for the proposed sub-clause (2) of clause 41, substitute :

"Wherever Chief Minister exists in a State he shall preside at the meetings of the Council of Ministers and not the Chief Commissioner. In absence of the Chief Minister to preside at any meeting a Minister from the Council of Ministers shall preside."

**श्री भट्ट :** इस विषय में कोई बहुत लम्बा बोलने की जरूरत नहीं है। एक बात यह है कि . . . .

[**Shri Bhatt:** It is not necessary to speak on this subject at any great length. One thing is.....]

**Shri Kamath :** Sir, it is unfortunate that discussion is being continued when there is no quorum in the House. There are only twenty-nine present in the House now.

**Mr. Deputy-Speaker :** No, the number now is 31 and there is quorum.

**Shri Rajagopalachari :** The only way we can lose quorum is by **Shri Kamath** leaving the House. Otherwise the quorum is there.

**Shri Kamath :** That is why I am not leaving the House. Without me there will be no quorum.

श्री भट्ट : मैं अर्ज कर रहा था दो तरह की विचारधारायें हैं, एक तो ऐसे लोग हैं जिन को आई० सी० एस० (I.C.S.) ने बहुत ज्यादा भड़का दिया है और उन के साथ रहने से उन को बहुत ज्यादा सख्त सबक सीखना पड़ा है और दूसरी तरफ हम देखते हैं कि हमारे माननीय मंत्री जी वगैरा उन पुराने आई० सी० एस० वालों को बहुत मानते हैं और उन को बहुत पसंद करने लगे हैं। दोनों तरफ जैसा मैं ने कहा अतिरेक है, एक्सट्रीम (extreme) है, यह लोग बहुत उन पर विश्वास करते हैं और दूसरे जो लोग हैं वह बहुत कम विश्वास इन आई० सी० एस० वालों पर करते हैं। जहां तक मेरा सम्बन्ध है, मैं इन दोनों के बीच का आदमी हूँ, और मध्यम मार्ग पसन्द करने वाला आदमी हूँ, इसलिये न तो इन आई० सी० एस० वालों का भूत मेरे मन पर सवार है और न मैं उन से घबराता हूँ। जो बिल यहां हमारे सामने है, उस बिल की मंशा हमें समझ लेनी चाहिये।

यह जो बिल है उस में चीफ कमिश्नर का जो शब्द रखा गया है वह चीफ कमिश्नर सिर्फ कन्स्टीट्यूशन्ल हेड (Constitutional Head) गवर्नर की तरह पर नहीं रहता है, या राजप्रमुख की तरह पर नहीं रहता है। यह बात पहले से स्पष्ट हो गई है। उस के पास जिम्मेदारी है और एग्जिक्यूटिव हेड (Executive Head) होने की वजह से उस को कुछ-कुछ अधिकार भी प्राप्त हो जाते हैं और वह दिये जाने चाहियें जिस से जो कि एक नया तन्त्र बन रहा है वह सुरक्षित रहे अच्छी तरह से चले और हमारे मंत्री जी जो पुराने जमाने के आदमी हैं उन को विश्वास हो जाय कि अब हमारे सी क्लास स्टेट के भाई भी बहुत काबिल हो गये हैं और उन के हाथ में जिम्मेदारी होने में कोई दिक्कत नहीं

है। उन को यह विश्वास हमें दिलाना है। हम यह भाषणों से नहीं कर सकेंगे अगर हम यहां विरोध करेंगे और कहेंगे कि हम में विश्वास रखो तो उस से उन को विश्वास होने वाला नहीं है। वह एक तरफ खींचेंगे, हम दूसरी तरफ खींचेंगे और इस तरह हम एक भी कदम आगे नहीं बढ़ सकेंगे। इसलिये मैं यह जरूर चाहता था कि धारा ४१ में जिस में यह कहा गया है कि : "There shall be a Council of Ministers in each State with the Chief Minister at the head to aid and advise the Chief Commissioner", अगर इस में से 'एट दी हेड, (at the head) शब्द निकाल दिये जाते तो आप का मामला साफ हो जाता और हम कहते कि इस में चीफ कमिश्नर के रहते हुए उस का ओहदा बड़ा है और उस को यह ओहदा देना है। मुझे मिसाल याद आती है कि राजस्थान बनने के पहले जोधपुर और जयपुर में एक तरीका इस्तेमाल किया गया था और वह तरीका यह था कि चीफ मिनिस्टर वहां थे लेकिन उन के ऊपर दीवान रखे गये थे। इसी तरह यहां चीफ कमिश्नर दीवान की कुर्सी पर बैठते हैं और इस की वजह से उस को कैबिनेट की मीटिंग में हाज़िर रहने का हक रहता है और उस में वह सदारत भी करता है। इस तरह की कोई बात इस में आ जाती और हमारे दिमाग में इस बात को साफ कर देती कि यहां जो चीफ कमिश्नर है वह दीवान है तो अच्छा था। वह चीफ कमिश्नर आई० सी० एस० हो या नहीं, या जनता में से आयेगा या नहीं, राजा जी ने स्टैंडिंग कमेटी (Standing Committee) में यह कहा था कि ऐसा कोई मामला नहीं है कि हमेशा आई० सी० एस० लोग ही

चीफ कमिश्नर बनेंगे। सम्भव है कोई पब्लिक-मैन (Public men) में से चीफ कमिश्नर बन जाय। इसलिये हमारे कैबिनेट अवधेश प्रताप सिंह जी को घबराना नहीं चाहिये। वह बेचारे दूध से जले हैं इसलिये मट्ठा फूक फूक कर पीते हैं, और यह स्वाभाविक है कि उन के दिल में कुछ घबराहट हो, अन्देशा हो क्योंकि हमारे राजा जी के मन में ऐप्रिहेन्शन (apprehension) रहता है, शंका उन के मन में है। तो मैं यह कहना चाहता हूँ कि इस चीज को जैसा हमारे माननीय मंत्री जी ने रखा है वैसे ही रहने दिया जाय। वह उन को कुछ मान देना चाहते हैं, उन को कानून से बड़प्पन देना चाहते हैं। लेकिन हम तो यह कहते हैं कि कानून से बड़प्पन नहीं मिलता है। जैसी कि इन्फार्मल मीटिंग (informal meeting) में यह बात हुई थी तो उस में यह बात साफ हो गई कि उन को कुछ अधिकार हैं और वह एक्जिक्यूटिव हैं, इसलिये वह कैबिनेट मीटिंग में आयेंगे और आने के बाद स्वाभाविक तौर से वह ही प्रेजाइड (preside) करेंगे, इस में कोई शंका नहीं है। तो मैं मानता हूँ कि एक विचार धारा हमारे माननीय मंत्री जी के मन में चल रही है, उस का प्रभाव हम पर पड़ रहा है। उस विचार धारा को लेकर हम चलते हैं तो जो चीज रखी गई है उस को मान लेना चाहिये। लेकिन इस के साथ मैं प्रार्थना करना चाहता हूँ कि यह जो 'एट दी हेड' शब्द है इन को निकाल दिया जाय तो हमारी तमाम गड़बड़ी खत्म हो जाती है।

(English translation of the above speech)

**Shri Bhatt:** I was saying that there are two sets of opinions. On one hand there are persons who are very much annoyed with the I.C.S. people of whom

they have had extremely bitter experience. On the other side, there are our Ministers and others who are now very much pleased with the I.C.S. people and think very highly of them. Thus there are these two extremes to be found. People on one side fully confide in the I.C.S. while those on the other side have utter distrust for them. So far as I am concerned I belong to a category midway between the two and I like the middle course. I am neither over-awed by them nor am I afraid of them. However, we must fully understand the implications of the Bill that is before us.

The Chief Commissioner described in this Bill is not merely a constitutional head like the Governor or the Rajpramukh. This is quite clear. He has got important responsibility as also certain powers by virtue of being the executive head and probably these powers should be given to him to help consolidate the new order that is developing there, and to assure our conservative Minister that class C States are also competent enough to carry out the responsibility that may be handed over to them. We have to convince him in that regard. But we cannot do it by making speeches for if we oppose this arrangement here and ask the hon. Minister to confide in us, he is not going to be convinced. The kind of tug of war that might ensue by this method would not let us move a step onward. However, I wanted that the words 'at the head' should be deleted from Clause 41 which says that "there shall be a Council of Ministers in each State with the Chief Minister at the head to aid and advise the Chief Commissioner". In that case matters would have stood clear and we could have said that so far as the Chief Commissioner was there, his office carried a higher position to which he was entitled. I am reminded of a parallel. Before the formation of Rajasthan, the method adopted in Jodhpur and Jaipur was the appointment of a Dewan over and above the Chief Minister. The position of the Chief Commissioner here is similar to that of the Dewan. That is why he has the right to be present in the Cabinet meetings and to preside over them. It were better if our doubts were cleared by making some provision here bringing out in effect a parity between the position of the Chief Commissioner and the said Dewan. The Chief Commissioner may be an I.C.S. man or he may be taken from public life. Shri Rajaji had stated in the Standing Committee that the Chief Commissioners need not always necessarily be I.C.S. people. Some public man may also hold the office. Therefore Captain Awadesh Pratap Singhji

[Shri Bhatt]

need not worry. He is feeling too much suspicion for he has had bitter experience in the past, and it is natural too that he should be worried and sceptical for there is an apprehension in the mind of Rajaji also. However, I would like this Bill to remain in the form in which our hon. Minister has put it. He wants to give him a position, an elevated place by legislation. But that thing is not attained by law. It was decided in the informal meeting that he has got certain rights and that, being the executive head, he will attend the Cabinet meetings and will therefore naturally preside over them. There is a certain current of thought working in the mind of our hon. Minister which is also influencing us. When we follow that current, we should accept what he has given. But I must say that deleting of the words 'at the head' would clear up all misgivings.

7 P.M.

**Shri Rajagopalachari:** It is not a case of power, prestige or dignity. We should look at it from a substantial policy point of view. What is it that we have agreed to as a whole? We have agreed to a certain scheme of things. It is quite right for Mr. Sidhva to say that his opposition will remain an opposition to the end. He should have the right to oppose. It is also quite right for Mr. Deshbandhu Gupta to say that he will not press his amendment but oppose the clause. Those hon. gentlemen who have agreed to a certain scheme of things should try to correlate the scheme properly. Here is a case where we have agreed to two definite principles—introduction of a certain amount of responsibility and self-management in the States and also to retain the power of the President in certain subjects or matters connected with those subjects. There was a good suggestion to give a Hindi name to the Chief Commissioner, in which case perhaps there would not be all this talk of I.C.S. or service men. Assuming that some other name could be given, what is the position of the Chief Commissioner? He is an agent of the President. We must look at the question from that point of view and examine it. If we have devolved on the Chief Commissioner certain agency powers, if we have reserved certain powers in the administration of these States and if we have also gone so far as to allow the Chief Commissioner to be in Legislature and take part in the debate, though he may not vote, is it not right that he should rub shoulders with the members of his Cab-

net? Otherwise he would live in an atmosphere of isolation, opposition and untouchability. Therefore, the Chief Commissioner, should be in the Cabinet most of all, more than in the Legislature. I can understand the reason for his presence in the Assembly being traced to the fact that he has to be in the Cabinet but to say that he can be in the Assembly and not in the Cabinet would be wrong. Then it is said, let him sit but not preside. I want hon. Members to look at it from a practical point of view. We cannot have him there as a representative of the President and ask him to sit as an ordinary member. Very probably he may not worry himself with the affairs of the Ministry when the subjects do not concern the President's jurisdiction. But in matters where he represents the President he should keep an eye on them. It is better that he hears and sees the pros and cons of every subject and if he is to be present at the Cabinet meeting for what else can it be except to preside? There is no use talking of terminology. Head does not mean chairmanship. If you put a man in the chair you take off some of his opportunities of debate. I think expediency requires that in the transitional period he should be there. Supposing we put a public man there. Would you ask him not to preside? The argument is growing unnecessarily long. As you, Sir, have rightly observed we must keep the scheme of things before our minds when we raise objections on any particular matter. In this particular matter having allowed the rest of the Bill we will have to allow this.

**Shri Dwivedi:** The President is the head of the Central Government and why not allow him to preside over the meetings of the Cabinet?

**Shri Rajagopalachari:** Because we are not governing a Part C State.

**Shri Deshbandhu Gupta:** Sir, I rise to oppose the amendment.....

**Mr. Deputy-Speaker:** I am calling Pandit M. B. Bhargava.

**Pandit M. B. Bhargava:** I want to speak a few words about clause 41 and the amendments moved. One of the amendments moved by my hon. friend Capt. A. P. Singh seeks the deletion in sub-clause (1) of the words to the effect that the Council of Ministers shall not advise the Chief Commissioner in the discharge of his judicial and quasi-judicial functions. He wants that these words should be deleted. I oppose the amendment. So far as my State is concerned under the Tenancy Act the



Chief Commissioner is the highest revenue court. Under sections 23 and 24 of the Regulation of 1857 he was the agent of the former Governor-General and now of the President and has to decide upon certain matters such as succession by adoption or otherwise to the *Istimrari* estates. These are his functions which are either purely of a judicial character or of a quasi-judicial character. Obviously, in such matters the Council of Ministers or the Chief Minister should not have any say. Therefore, I submit that the exception which is made in this respect is quite sound and this amendment should not be accepted.

With respect to the general discussion on clause 41, the main attack has been on sub-clause (2) which lays down that the Chief Commissioner shall ordinarily preside over the Cabinet, that where he is absent the Chief Minister may preside. Obviously, this amendment is not fair for those of us who were present at the informal meetings where all these points were discussed in detail and certain conclusions were arrived at which we accepted. At least for those of us who were a party to those decisions I think it is not fair.

**Shri Rajagopalachari:** I did not wish to refer to it, but it was unanimously agreed that this should be the form.

**Pandit M. B. Bhargava:** Therefore, we accepted this as a compromise measure. We know there are limitations, but most of its success or failure will depend upon the way in which the scheme will be worked and on the persons who will work it. I am, personally speaking, not so pessimistic about the results as some of my friends who have expressed their fears. When in sub-clause (1) we give the Chief Commissioner a discretion to differ in certain cases, and when it is provided there that in case of difference it will be open to the Ministry to refer the matter to the President whose decision will be final—of course, in urgent cases pending such decision the Chief Commissioner may act—when these are the powers conferred upon the Chief Commissioner he is not meant to be a mere constitutional head. In the proposed scheme of things, perhaps if he is present in the Cabinet meeting and if he sees on what particular points and for what reasons the Ministry has come to a certain conclusion, then he will be in a better position to decide whether he should differ or not. Of course. As the hon. 276 PSD

Minister of States has stated, a healthy convention should be developed whereby the presence of the Chief Commissioner at the Cabinet meetings may become less and less as time goes on and a stage may arrive when he may not be present at all. In this view of things if Pandit Thakur Das Bhargava's amendment is accepted, the words suggested by him will on the face of it show that the underlying spirit of the provision is that the Chief Commissioner should not ordinarily be present unless he thinks it necessary. On the other hand, so far as his right to be present is concerned, that also is conceded by the amendment. I am not so pessimistic about the success of this scheme because we must remember that at the Centre the Ministry will be a popular one and it will be upon the advice of that Ministry that the President will act. When our leaders will be at the helm of affairs, if there is any conflict between the Ministry of a Part C State and the Chief Commissioner concerned, I think the Ministry of that State can very well count upon the support of the popular Ministers at the Centre and there will be a chance to avoid conflict. Under these circumstances, I oppose all the amendments moved and request that the wording as proposed by the hon. Minister of States be accepted.

**Shri Deshbandhu Gupta:** May I say a few words, Sir.

**Mr. Deputy-Speaker:** Is it necessary to pursue this question further?

**Shri Deshbandhu Gupta:** Yes, Sir, very necessary. So far as Delhi is concerned there are one or two points which, I would like to bring to notice.

**Mr. Deputy-Speaker:** But the hon. Member has just said that some Members were party to the agreement?

**Shri Deshbandhu Gupta:** My point is this. The Home Minister has said that this amendment was agreed to in the informal conference.

**Pandit Thakur Das Bhargava:** May I just inquire what is the legal effect of this agreement between the Minister and some Members? Other Members who have moved amendments were not there. Everywhere reference is made that there was an agreement meaning thereby that wherever there is an agreement between the hon. Minister and some Members no amendment can be moved, and that our amendments cannot be considered. ....

**Shri Gopalswami:** I do not think the Chair meant any such thing. The Chair is not ruling the discussion out of order. I believe the hon. Member who spoke last said that having agreed at that conference informally, those who were present there must feel bound by it. I believe that was what he said.

**Mr. Deputy-Speaker:** I am not able to follow the objection raised by Pandit Thakur Das Bhargava. This Bill was placed before the House, and after a number of suggestions were made on the floor of the House an informal conference was held between the Minister and hon. Members. The informal conferences are not meant merely for the purpose of having the luxury of another discussion outside the House but for coming to decisions, ironing out differences, etc. Then once again the same hon. Members should not raise the same questions here. Hon. Members have come from various parts of the country to do business. If hon. Members go behind everything that is done outside the House at such conferences then I do not think there is any purpose served by it. Hon. Members may remember that even this morning Mr. Kamath suggested that if half an hour's time was given, Shri Deshbandhu Gupta and the hon. Minister may talk over the matter and come to a conclusion. If they come to a conclusion outside in the Lobby and once again the hon. Member says, "No, no, I am not prepared. All the same I must have the right", I do not think I need allow that and not take note of anything that has been decided outside. If there is an agreed solution, certainly I am entitled to say there seems to have been an agreed solution, why do you not go by it? It is not for the mere pleasure of going and meeting in a conference that such conferences are held but for coming to decisions—otherwise the House will have to sit day to day if there is no possibility of such informal meetings for ironing out differences. It is no use saying, "We are not bound"—nobody is bound—but there is something in the procedure that is followed.

**Shri Rajagopalachari:** May I state one or two matters in this connection, Sir? If Government had agreed to anything at such a meeting, would hon. Members not have held on to the pound of flesh? And here did I refer to it myself? I did not do it thinking it may not be proper to do it. But if a thing is right, whether we refer to it or not it does not matter. When I was encouraged by one

of the hon. Members, who is a stout supporter of all the democratic claims made on behalf of the Part C States, when he felt qualms of conscience on the ground of agreement, I was really encouraged. But if rights are to be enforced, we will enforce them. It means that hereafter we will be thoroughly discouraged from meeting Members outside because no useful business will be done.

**Mr. Deputy-Speaker:** Let us clearly understand this matter. Often in respect of too contentious matters some latitude is given by the Chair in not sticking to rules regarding notice, etc. Even on the spur of the moment to iron out some difference some suggestion is made, then the Chair allows some latitude and allows that amendment to be moved provided the hon. Minister in charge and the Member in charge and the other Member who moves the amendment sit together and come forward with an agreed solution. But if they once again raise the same point what is the object in going over this procedure? I think all those conferences, though technically not under the procedure, do form part of our work; I honestly feel they must be deemed to form part of it, though it may not be technically correct to say that. In the House of Commons the procedure is that the whole House goes into committee. I think these informal conferences are just like the whole House going into committee—in such a case the Chair puts someone else in charge. In substance there is no difference between this procedure and that in the House of Commons. Let us make up our minds whether that procedure is to be followed or to be given up in future. Let us stand by the rules.

**Shri Rajagopalachari:** I have seen Pandit Thakur Dasji's amendment. I would like to know what in substance is the difference between that one and the Government's. The form in which he puts it is that the Chief Minister shall preside; in case he is not present, some other Minister will preside. He throws the burden on the Chief Commissioner to claim to preside when he is present. Is that the right way to deal with the agent of the President? Should we compel him to put in a caveat there and then preside? The amendment of Government is sweet and in proper form and I hope hon. Members will accept it.

**Pandit Thakur Das Bhargava:** I think he is presuming too much. Ultimately you are giving the power

to the Chief Commissioner under another clause. I am only suggesting in your own words that the procedure I have outlined may be followed, so that a convention may grow. I think there is a world of difference in the two wordings, as there is in a person having a right to preside and in his being enjoined to preside.

**Shri Rajagopalachari:** You want to throw the burden of choosing to be present on the Chief Commissioner. Excepting that, there is no substantial difference.

**Pandit Thakur Das Bhargava:** Then kindly accept my amendment, if there is no substantial difference.

**Mr. Deputy-Speaker:** I think Pandit Bhargava wants to use the word 'may' instead of 'shall', because he feels that 'shall' will mean that he is compelled to preside.

**Shri Rajagopalachari:** Sorry to argue it. Even in the form in which Pandit Bhargavaji has put it, that is, if he is present he shall preside, there is no difference. It is about the same thing.

**Pandit Thakur Das Bhargava:** If he is present, there is no difference, but he has to choose whether to be present or not to be present. If you say that he shall preside, you compel him to preside. He is bound to preside every time. On the other hand, I want that he should have the discretion to go to a meeting or not to go to a meeting, and a convention may grow that he may not attend every meeting. That is where the difference comes in.

**Shri Gopaldaswami:** There is no direction that he should go to a meeting. What we say is that when he happens to be present at a meeting he shall preside. That is also what the hon. Member wants.

**Shri Deshbandhu Gupta:** Let us not in this controversy of allowing the Chief Commissioner to preside or not to preside forget the other parts of this amendment. So far as I am concerned, the hon. Minister will bear me out when I say that I was not a party to what had happened in the informal conference as regards clause 26 in respect of Delhi. Therefore, I hope that when I oppose the official amendment I shall not be open to the charge of having gone back upon anything that was agreed to. As regards informal meetings, I would say that when the decisions arrived at in the meeting are given a go-by by Government itself then the

less said about the informal meetings the better.

**Shri Gopaldaswami:** I want to enter a caveat against this kind of statement. Assuming that we had committed ourselves to what the Press Note said on the 4th, we drafted the amendments. We called these very Members to consider the actual amendments. No doubt, the hon. Member Shri Gupta objected, but Members were called and made aware of our amendments before we actually brought them forward here.

**Shri Deshbandhu Gupta:** I do not want to prolong that controversy...

**Shri Gopaldaswami:** Then why renew it every time?

**Shri Deshbandhu Gupta:** Because the hon. Minister himself raised it again, I had to say that. Let me make it clear that so far as the question of Chief Commissioner's presiding is concerned, I have no objection to its remaining in whatever form it is decided because this particular matter was discussed when I was present and to that extent I was a party to it. But there are other parts of the amendment to which I wish to draw attention. The first proviso says:

"Provided that, in case of difference of opinion between the Chief Commissioner and his Ministers on any matter.....it shall be competent for the Chief Commissioner in any case where the matter is in his opinion so urgent that it is necessary for him to take immediate action, to take such action.....as he deems necessary."

Then again sub-clause (4) says:

"If in the State of Delhi any question arises as to whether any matter is or is not a matter concerning New Delhi, the decision of the Chief Commissioner thereon shall be final".

Again sub-clause (3) says:

"If any question arises as to whether any matter is or is not a matter as respects which the Chief Commissioner is required by any law to exercise any judicial or quasi-judicial functions the decision of the Chief Commissioner thereon shall be final".

Then look at the second proviso, which says:

"Provided further that in the State of Delhi every decision

[Shri Deshbandhu Gupta]

taken by a Minister or by the Council in relation to any matter concerning New Delhi shall be subject to the concurrence of the Chief Commissioner....."

Yesterday, the hon. Home Minister laid great stress on the fact that the whole of Delhi and not merely New Delhi was the capital of India. He said that there was no point in mentioning New Delhi as if it was distinct from Delhi. This morning the hon. the States Minister also dealt with the same point. Now, I want to ask them whether it is necessary after having provided all possible safeguards and left only ponds and forests to be looked after by the Delhi State Legislature, as Mr. Sidhva said, to lay down that even in regard to this restricted scope of legislation or executive work the Chief Commissioner's view will prevail in case he does not concur with the Council of Ministers? If New Delhi is not distinct from Delhi, why do you show this special concern for New Delhi? Why should you make the Chief Commissioner the special custodian of New Delhi? Why should you give him this special power even in respect of transferred subjects, the sphere of which is severely restricted? The hon. the Prime Minister has more than once taken up the stand not only here but also outside in the public in so many places that it is New Delhi that is standing in the way of granting full responsible Government to the State of Delhi. That is understandable, because New Delhi is the seat of the Government and you would like it to be protected, safeguarded and all that. But since the hon. the Home Minister has taken a different stand yesterday that not merely New Delhi but the whole of Delhi is the capital and we should not make any distinction, if that is so, why should New Delhi remain the special preserve of the Chief Commissioner? You have reserved all possible subjects. There is absolutely nothing left in respect of which there is need for the Chief Commissioner to have special powers why should they fear that any harm might be done to New Delhi by any irresponsible act of the local Legislature. I would request them to consider this. Let them at least remain consistent during the two days' debate. Let them at least respect the stand they took yesterday. It was emphasised that Old Delhi and New Delhi formed the capital of India and that the Government of India is equally concerned about both. Therefore, I say—although I have not

tabled an amendment on these lines—that reference to New Delhi should be deleted. I have no objection to their retaining the portion relating to the Chief Commissioner presiding over the Council of Ministers. Let there be no other restriction except this. Clause 26 has been passed without a comma being changed, in spite of the fact that Member after Member urged upon the Government to reconsider the case. Every possible effort was made to approach the whole question in a compromising spirit; but Government did not budge an inch nor have they changed a comma in that clause. After having taken that stand, I want to know why is this brought again under clause 46? It was understandable if New Delhi alone was the capital. But having taken a different stand it becomes unnecessary. I would, therefore, urge on them that it should not go in the Bill that New Delhi and Old Delhi are different and the Chief Commissioner within the limited scope of transferred subjects will be the custodian of New Delhi as different from the custodian of Old Delhi.

**Shri Gopaldaswami:** I wish to say a few words, particularly in answer to what has fallen from my hon. friend Mr. Deshbandhu Gupta. If his logic is sound then the proper conclusion from it would be that what we have put in for New Delhi alone must be extended to Old Delhi also.

**Shri Deshbandhu Gupta:** By all means.

**Shri Gopaldaswami:** The hon. Member is prepared to say by all means. After all he was trying to ask me a question as to why we are making a distinction between Old and New Delhi. I would recall to him the discussion we had in another place on this particular clause. He will remember that with regard to the proviso that applies to New Delhi he himself proposed amendments which we have carried out in the amendment which I have moved today. For instance, we have provided for the matter being referred to the Centre, wherever there was a difference of opinion as to whether a matter related to New Delhi or not.

**Shri Deshbandhu Gupta:** But that has to be read with the amendment that proviso to clause 26 should go. It is on that presumption and I have no objection to keeping it.

**Shri Gopaldaswami:** What I say is that so far as New Delhi was concerned, he was prepared to accept the

substantive clause which we had originally drafted and he only wanted this proviso to be added that wherever there was a difference of opinion it should be referred to the Centre whose decision would be final. We accepted that position and have incorporated it in the amendment. Now, he is asking me why the Home Minister was contending that he made no difference between Old and New Delhi as regards the title to be the capital of India and why we are making this particular reservation in favour of New Delhi in addition to all the other controlling powers we have given ourselves in the other clauses of this Bill. The answer is obvious. Even inside the capital New Delhi occupies a privileged position and we want that things in New Delhi should be much better protected than things in Old Delhi. There are various reasons for this which I need not go into at the present moment. That is why we have said that every order must get the concurrence of the Chief Commissioner. Now, it has been said that this is a big restriction. But anybody who has any experience of administrative work will tell hon. Members of the House that what this means is that whenever a particular order has to be passed in respect of New Delhi in relation to subjects in respect of which the State Legislature could make laws, even in those cases, the file has to be circulated not only to the Minister concerned, but to the Chief Commissioner. If he agrees to it the order issues; if he thinks he could not agree to it, he can take the action mentioned in this proviso and if there is a difference it has to be referred to headquarters.

Now I cannot see how any objection could be taken because I believe from the very beginning every one accepted the position that in regard to New Delhi the Centre must have the fullest possible power of control even in spheres which are allocated to the State Legislature.

I do not wish to say anything more on this point, but I was rather interested to hear Pandit Thakur Das Bhargava referring to article 258 of the Constitution to which I made reference this morning. He seemed to think that that article had no reference to this particular proviso. I do not know if I am right in interpreting him that way. But that is what I gathered. I cannot see why he should invoke article 258 in this connection. Article 258 refers to the conferment of executive powers by the President on the Government of a Part C State or its officers. Clause (2) of that article relates to parliamentary laws conferring jurisdiction

on the State and its officers, that is to say even in regard to matters in respect of which the State could not make any laws that could be done. But even in respect of matters where the State could make laws hon. Members will remember that under another clause of the Bill the Centre, that is Parliament, has the power to make laws and when it makes a law it can make the executive power extend to the full extent of the legislative power, if it so chooses. But that particular article 258 would enable Parliament—even in the making of such laws to impose duties on the State and its officers. You cannot say that article 258 is unrelated to what we have provided. But if there are any doubts about it we wanted to make it clear by a proviso in respect of New Delhi and that is why we have inserted this particular thing.

I am afraid I cannot follow the argument that has been attempted in this case. I have said that though we have taken away the power of law making from the State Legislature in respect of certain matters, in actual practice, it would be necessary and I consider it would be desirable for Parliament to confer powers and to impose duties on the State and its officers.

I do not think I need say anything on the question of the Chief Commissioner presiding over the Council of Ministers. My hon. colleague has already replied to it. If anything remained my hon. friend Pandit Mukut Bihari Lal Bhargava has answered it completely. I hope the House will accept my amendment.

**Capt. A. P. Singh:** I want to withdraw some of the amendments. I want only to press that amendment which relates to the Chief Commissioner presiding over Council of Ministers, and in that I only want the omission of sub-clause (2). All the others I beg leave to withdraw.

The amendments were, by leave, withdrawn.

**Mr. Deputy-Speaker:** The question is: In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar, omit sub-clause (2) of the proposed clause 41.

The Motion was negatived.

**Mr. Deputy-Speaker:** Does Pandit Thakur Das Bhargava press any of his four amendments?

**Pandit Thakur Das Bhargava:** I beg leave to withdraw them.

The amendments were, by leave, withdrawn.

**Shri Sidhva:** I beg leave to withdraw my amendment.

The amendment was, by leave, withdrawn.

**Mr. Deputy-Speaker:** There is no other amendment except the amendment moved by the hon. Minister.

The question is:

For the heading to clause 41 and clause 41, substitute:

"PART III—COUNCIL OF MINISTERS.

41. *Council of Ministers.* (1) There shall be a Council of Ministers in each State with the Chief Minister at the head to aid and advise the Chief Commissioner in the exercise of his functions in relation to matters with respect to which the Legislative Assembly of the State has power to make laws except in so far as he is required by any law to exercise any judicial or quasi-judicial functions:

Provided that, in case of difference of opinion between the Chief Commissioner and his Ministers on any matter, the Chief Commissioner shall refer it to the President for decision and act according to the decision given thereon by the President and pending such decision it shall be competent for the Chief Commissioner in any case where the matter is in his opinion so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary:

Provided further that in the State of Delhi every decision taken by a Minister or by the Council in relation to any matter concerning New Delhi shall be subject to the concurrence of the Chief Commissioner, and nothing in this subsection shall be construed as preventing the Chief Commissioner in case of any difference of opinion between him and his Ministers from taking such action in respect of the administration of New Delhi as he in his discretion considers necessary.

(2) The Chief Commissioner shall, when he is present, preside at meetings of the Council of Ministers, and, when the Chief Commissioner is not present, the Chief

Minister or, if he is also not present, such other Ministers as may be determined by the rules made under sub-section (1) of section 43, shall preside at meetings of the Council.

(3) If any question arises as to whether any matter is or is not a matter as respects which the Chief Commissioner is required by any law to exercise any judicial or quasi-judicial functions the decision of the Chief Commissioner thereon shall be final.

(4) If in the State of Delhi any question arises as to whether any matter is or is not a matter concerning New Delhi, the decision of the Chief Commissioner thereon shall be final:

Provided that in case of any difference of opinion between the Chief Commissioner and his Ministers on such question, it shall be referred for the decision of the President and his decision shall be final.

(5) The question whether any, and if so what, advice was tendered by Ministers to the Chief Commissioner shall not be inquired into in any court."

The motion was adopted.

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

"That clause 41, as amended, stand part of the Bill."

The motion was adopted.

Clause 41, as amended, was added to the Bill.

**Clause 42.**—(Other provisions as to Ministers.)

*Amendments made:*

(i) For sub-clause (3) of clause 42 substitute:

"(3) The Council of Ministers shall be collectively responsible to the Legislative Assembly of the State."

—[Shri Gopaldaswami]

(ii) In sub-clause (4) of clause 42, for "the First Schedule" substitute "the Fourth Schedule".

—[Shri Gopaldaswami]

(iii) Omit sub-clause (7) of clause 42.

[Shri Gopaldaswami]

Clause 42, as amended, was added to the Bill.

**Clause 43.—(Conduct of business.)**  
Amendment made:

In part (b) of sub-clause (1) of clause 43, at the end, add:

"and in relation to any matter concerning New Delhi".

—[Shri Gopaldaswami]

Clause 43, as amended, was added to the Bill.

**Clause 44.—(Consolidated Fund of the State.)**

Amendment made:

(i) For the heading to clause 44 substitute:

"Part IV.—Miscellaneous."

—[Shri Gopaldaswami]

(ii) For sub-clause (1) of clause 44, substitute:

"(1) As from the first day of April, 1952, in the case of any of the States of Ajmer, Bhopal, Coorg, Delhi, Himachal Pradesh and Vindhya Pradesh, and as from such date as may be appointed in this behalf by the Central Government by notification in the Official Gazette in the case of any other State, all revenues received in that State by the Government of India or the Chief Commissioner in relation to any matter with respect to which the Legislative Assembly of that State has power to make laws, and all grants made from the Consolidated Fund of India to that State shall from one consolidated Fund, to be entitled 'the Consolidated Fund of the State'."

—[Shri Gopaldaswami]

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

**Shri Sarwate:** I have an amendment which reads as follows:

After clause 44, insert:

"44A. Such sums as Parliament may by law provide shall be charged on the Consolidated Fund of India in each year as grants-in-aid of the revenues of such States as Parliament may determine to be in need of assistance and different sums may be fixed for different States.

44B. The Legislative Assembly of a State may by law establish a Contingency Fund in the nature of

an imprest to be entitled 'the Contingency Fund' into which shall be paid from time to time such sums as may be determined by such law, and such fund shall be placed at the disposal of the Chief Commissioner of the State to enable advances to be made by him out of such fund for the purposes of meeting unforeseen expenditure pending such expenditure receives sanction from proper authority.

44C. It shall be the duty of the Finance Commission appointed under article 280 of the Constitution of India to make recommendations to the President on matters mentioned in (a) to (d) in sub-clause 3 of the said article 280."

The Consolidated Fund of a State has been made separate. Grants-in-aid may sometimes have to be made to that fund for which there is no power at present in the present Constitution. In the present Constitution the provision is contained in article 275. Article 275 comes under Part XII, and in the beginning of Part XII it is said in article 264 that 'State' does not include a State specified in Part C of the First Schedule.

[PANDIT THAKUR DAS BHARGAVA in the Chair.]

Therefore, if my amendment is not accepted or is not there the Government of India would not have the power to make grants-in-aid to Part C States. That would be the position I am sure that in the future some grants-in-aid would have to be made in the form of subvention to Part C States to carry on their administration. So this power is necessary. But under the article it is not there. Therefore, I appeal to the hon. Minister that he should accept this amendment. It is a formal thing and it conforms to article 275. It is necessitated because article 264 exempts Part C States from the operation of this part.

**Shri Gopaldaswami:** My reaction is that these are very unnecessary elaborations in a law which relates to Part C States. For instance, I believe that clause 44A provides for grants-in-aid of the revenues of such States as Parliament may determine and so on and that certainly can be done by Parliament without there being a clause in this Bill. Clause 44B relates to the establishment of a Contingency Fund. I believe the Constitution itself does not provide for a Contingency Fund in regard to Part A and Part B States. My recollection is that a Contingency Fund was constituted by an Act of

[Shri Gopaldaswami]

Parliament after the Constitution came into force and I believe Parliament only brought a Contingency Fund for the Centre into existence. Some of the State Legislatures, I remember, passed laws for establishing Contingency Funds in their respective States. So if a Part C State comes to feel the need for a Contingency Fund, I believe, it will have power to do so. My own recollection from what I remember of the State subjects transferred to Part C States is that such a law would be within their powers. Even if it were not, such a law could be made by Parliament later on.

**Shri Sarwate:** I am not referring to the Contingency Fund by Clause 44A. Parliament will not have power to give grants-in-aid because article 275 gives such power to Parliament only in respect of Part A and Part B States. It does not confer on Parliament any power regarding Part C States. That is exactly what I am putting before you.

**Shri Gopaldaswami:** Article 275 reads as follows:

"Such sums as Parliament may by law provide shall be charged on the Consolidated Fund of India in each year as grants-in-aid of the revenues of such States as Parliament may determine to be in need of assistance, and different sums may be fixed for different States."

I speak subject to correction. I believe that this article applies to Part C States as well.

**Shri Sarwate:** It does not apply. Article 264 (b) applies.

**Shri Gopaldaswami:** I stand corrected. That is so.

**Shri Sarwate:** Therefore, it is necessary.

**Shri Rajagopalachari:** I would like the hon. Mr. Sarwate to consider whether these amendments that he is proposing in several parts would be in order under the Constitution without the consent of the President.

**Shri Gopaldaswami:** I believe the point taken by my hon. colleague is rather an obstacle in the way of this amendment. At the instance of the hon. Member himself, I obtained the sanction of the President for the consideration of the Bill as the amendments as moved by us involve charges on the consolidated Fund. So if he wants to move amendments of the same description.....

**Shri Sarwate:** I also now realize that there are objections, but it is in the interest of Government itself to have these powers. So they would be well advised to obtain the necessary sanction as was done before.

**Shri Gopaldaswami:** May I suggest to the hon. Member that he might leave me to examine these points. If it becomes necessary to take these powers and so on, we shall amend the law suitably.

✓**Shri Rajagopalachari:** We can bring an amendment later on.

**Shri Sarwate:** I do not move all of the clauses. Perhaps the hon. Minister may consider whether these amendments are not necessary.

**Mr. Chairman:** The amendments have not been moved and therefore there is no question of their withdrawal. Then we proceed to the next clause.

• **Pandit Kunzru:** May I know how long this sitting will continue?

**Mr. Chairman:** I hope that the clauses will be finished very soon but, at the same time, in the morning it was announced that the House proposed to finish the Bill.

**Clause 45.—(Relation of Chief Commissioner and his Ministers to the President.**

*Amendment made:*

In clause 45.

(a) for "of this Part" substitute "of this Act"; and

(b) omit "the superintendence, direction and control in all matters relating to the administration of a State shall continue to be vested in the President, and".

—[Shri Gopaldaswami]

Clause 45, as amended, was added to the Bill.

**Clause 46.—(Provision in case of failure of constitutional machinery.)**

**Shri Gopaldaswami:** I beg to move:

In clause 46.

(a) for "of this Part" in the two places where they occur, substitute "of this Act"; and

(b) omit "and the other provisions of this Act".

**Mr. Chairman:** Amendments moved:

In clause 46.

(a) for "of this part" in the two



places where they occur, substitute "of this Act"; and

(b) omit "and the other provisions of this Act"

**Capt. A. P. Singh:** I have got an amendment to this clause. I do not see any reason why the words "the other provisions of this Act" have been omitted. I hope they will be retained as originally provided.

**Shri Kamath:** On a point of order, can the Prime Minister, when he is present in the House, occupy a back seat?

**Mr. Chairman:** Just for a change.

**Shri Gopaldaswami:** The answer is simple.

**Shri Rajagopalachari:** I thought my hon. colleague was replying to the point of order.

**Shri Gopaldaswami:** I thought that you, Sir, had given a ruling by leaving the matter alone and Mr. Kamath to find his own answer for it.

**Mr. Chairman:** The hon. Member knows that wherever the Prime Minister sits, that is the seat of the Prime Minister.

**Shri R. Velayudhan (Travancore-Cochin):** Even if it is on the Opposition Benches?

**Shri Kamath:** Even when the Prime Minister comes this side?

**Shri Rajagopalachari:** It is submitted that the right to sit on a front bench is a right but the right to sit in the back seat may sometimes also be permitted.

8 P.M.

**Shri Gopaldaswami:** Article 239 refers to the general power given to Parliament. It refers to the fact that a Part C State is a State administered by the President through a Chief Commissioner or a Lieutenant-Governor. That is the basic principle. This particular Bill really gives a Constitution to the Part C States. Non-conformity with the provisions of this Bill would have the same meaning as the corresponding provisions in the Constitution which refer to a similar contingency when the administration of a particular State could not be carried on in accordance with the provisions of the Constitution. Therefore, it is not necessary to mention "and the other provisions of this Act".

**Capt. A. P. Singh:** Then, I do not press it.

**Mr. Chairman:** The question is: In clause 46,

(a) for "of this Part" in the two places where they occur, substitute "of this Act"; and

(b) omit "and the other provisions of this Act".

The motion was adopted.

**Mr. Chairman:** The question is:

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

The motion was adopted.

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

#### New Clauses 46A and 46B

*Amendment made:*

After clause 46, insert:

"46A. *Constitution of Council of Advisers in the case of certain States.*—The President may, by notification in the Official Gazette, constitute for any of the States of Kutch Manipur and Tripura a Council of Advisers consisting of such number of members as he may think fit for the purpose of assisting the Chief Commissioner in the discharge of such of his functions under article 239 as may be specified by the President, and the notification constituting such Council shall define the powers to be exercised and the procedure to be followed by the Council.

46B. *Power of the President to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act and, in particular, in relation to the constitution of the Legislative Assembly for any State, the President may by order do anything not inconsistent with such provisions which appear to him to be necessary or expedient for the purpose of removing the difficulty."

—[Shri Gopaldaswami]

New Clauses 46A and 46B were added to the Bill.

**Clause 47.**—(Amendment of Act XLIII of 1950.)

*Amendment made:*

For clause 47, substitute:

"47. *Amendment of certain enactments.*—The enactments specified in the Fifth Schedule are hereby amended to the extent and in

the manner mentioned in the fourth column thereof."

**The Schedules**

—[Shri Gopaldaswami]

**Shri Gopaldaswami:** I beg to move:

Clause 47, as amended, was added to the Bill. For the First and Second Schedules, substitute:

*'The First Schedule*

[See sections 1 (2) and 3 (2)]

*Scheduled Castes in certain Part C States.*

**AJMER**

- |             |               |
|-------------|---------------|
| 1. Aheri    | 21. Kalbella  |
| 2. Bagri    | 22. Khangar   |
| 3. Balai    | 23. Khatik    |
| 4. Bambhi   | 24. Koli      |
| 5. Bansphod | 25. Korla     |
| 6. Baori    | 26. Kuchband  |
| 7. Bargi    | 27. Mahar     |
| 8. Bazigar  | 28. Meghwal   |
| 9. Bhangi   | 29. Mochi     |
| 10. Bidakia | 30. Nat       |
| 11. Chammar | 31. Pasi      |
| 12. Dabgar  | 32. Raigar    |
| 13. Dhanak  | 33. Rawal     |
| 14. Dhed    | 34. Sarbhangl |
| 15. Dhobi   | 35. Sargara   |
| 16. Dholi   | 36. Satia     |
| 17. Dom     | 37. Thori     |
| 18. Garoda  | 38. Tirgar    |
| 19. Gancha  | 39. Kanjar    |
| 20. Jatava  | 40. Sansi     |

**BHOPAL**

- |           |                    |
|-----------|--------------------|
| 1. Balahi | 9. Khatik          |
| 2. Basar  | 10. Koli           |
| 3. Bedia  | 11. Kanjar         |
| 4. Beldar | 12. Mehtar, Bhangl |
| 5. Chamar | 13. Mahar          |
| 6. Chitar | 14. Mang           |
| 7. Dhanuk | 15. Nut            |
| 8. Dome   | 16. Silawat        |

**COORG**

- |                  |              |
|------------------|--------------|
| 1. Adi Dravida   | 7. Muchi     |
| 2. Adi Karnataka | 8. Mundaia   |
| 3. Adiya         | 9. Panchama  |
| 4. Balagai       | 10. Paraya   |
| 5. Holey a       | 11. Samagara |
| 6. Madiga        |              |

## DELHI

- |                            |                            |
|----------------------------|----------------------------|
| 1. Adi-Dharmi              | 21. Kachbandha             |
| 2. Agria                   | 22. Kanjar                 |
| 3. Aheria                  | 23. Khatik                 |
| 4. Balai                   | 24. Koli                   |
| 5. Banjara                 | 25. Lalbegi                |
| 6. Bawaria                 | 26. Madari                 |
| 7. Bazigar                 | 27. Mallah                 |
| 8. Bhangi                  | 28. Mazhabi                |
| 9. Bhil                    | 29. Megwal                 |
| 10. Chamaq                 | 30. Mochi                  |
| 11. Chanwar Chamar         | 31. Nat (Rana)             |
| 12. Chohra (Sweeper)       | 32. Pasi                   |
| 13. Chuhra (Balmiki)       | 33. Perna                  |
| 14. Dhanak or Dhanuk       | 34. Ram Dasia              |
| 15. Dhobi                  | 35. Ravidasi or Raidasi    |
| 16. Dom                    | 36. Rehgarh or Raigar      |
| 17. Gharrami               | 37. Sansi                  |
| 18. Jatya or Jatava Chamar | 38. Sapera                 |
| 19. Julaha (Weaver)        | 39. Sikligar               |
| 20. Kabirpanthi            | 40. Singiwala or Kalebella |
|                            | 41. Sirkiband              |

## HIMACHAL PRADESH

- |   |                                      |
|---|--------------------------------------|
| 1. Ad-dharmi                                | 16. Kabirpanthi or Julaha<br>or Keer |
| 2. Balmiki or Chura or<br>Bhangi or Sweeper | 17. Koli                             |
| 3. Bangali                                  | 18. Mazahabi                         |
| 4. Banjara                                  | 19. Mochi                            |
| 5. Barar                                    | 20. Nat                              |
| 6. Bawaria                                  | 21. Od                               |
| 7. Bazigar                                  | 22. Pasi                             |
| 8. Hesi                                     | 23. Phrera                           |
| 9. Bhanjra                                  | 24. Ramdasi or Ravidasi              |
| 10. Chamar                                  | 25. Ramdasia                         |
| 11. Chanal                                  | 26. Rehar                            |
| 12. Dagi                                    | 27. Sansi                            |
| 13. Daole                                   | 28. Sapela                           |
| 14. Dhaki or Toori                          | 29. Sikligar                         |
| 15. Doom or Doomna                          | 30. Sirkiband                        |

## VINDHYA PRADESH

- |                     |                                  |
|---------------------|----------------------------------|
| 1. Basor (Bansphor) | 6. Dom                           |
| 2. Chamar           | 7. Domar or Doris                |
| 3. Dahait           | 8. Kuchbandhia                   |
| 4. Dharkar          | 9. Mehtar or Bhangi or<br>Dhanuk |
| 5. Dher             | 10. Mochi                        |

—[Shri Gopaldaswami]

*The Second Schedule*

[See sections 1 (2) and (2)]

*Scheduled Tribes in certain Part C States.*

**BHOPAL**

- |          |                          |
|----------|--------------------------|
| 1. Bhil  | 5. Mogia                 |
| 2. Gond  | 6. Pardhi                |
| 3. Keer  | 7. Saharia, Sosia or Sor |
| 4. Karku |                          |

**COORG**

- |           |            |
|-----------|------------|
| 1. Korama | 4. Maratha |
| 2. Kudiya | 5. Meda    |
| 3. Kuruba | 6. Yerava  |

**VINDHYA PRADESH**

- |             |                  |
|-------------|------------------|
| 1. Agariya  | 8. Mawasi        |
| 2. Baiga    | 9. Panika        |
| 3. Bhumiya  | 10. Pao          |
| 4. Gond     | 11. Bhil         |
| 5. Kamar    | 12. Bedia        |
| 6. Khairwar | 13. Biar (Biyar) |
| 7. Majhi    | 14. Sonr.        |

*The Third Schedule*

[See sections 1 (2) and 4]

*Table of seats in the Legislative Assemblies.*

State	Total number of seats	Seats reserved for Scheduled Castes	Seats reserved for Scheduled Tribes
1	2	3	4
Ajmer	30	6	—
Bhopal	30	5	2
Coorg	24	3	3
Delhi	48	6	—
Himachal Pradesh	36	8	—
Vindhya Pradesh	60	6	6

*The Fourth Schedule*

[See sections 19 and 42 (4)]

**FORMS OF OATHS OR AFFIRMATIONS**

**I**

Form of oath or affirmation to be made by a member of the Legislative Assembly.

"I, A. B., having been elected (or nominated) a member of the Legislative Assembly of \_\_\_\_\_ do swear in the name of God that I will bear true faith and solemnly affirm allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter."

## II

Form of oath of office for a member of the Council of Ministers.

"I, A. B., \_\_\_\_\_ do swear in the name of God \_\_\_\_\_ that I will bear true faith and solemnly affirm

allegiance to the Constitution of India as by law established, that I will faithfully and conscientiously discharge my duties as a Minister for the State of \_\_\_\_\_, and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or illwill."

## III

Form of oath of secrecy for a member of the Council of Ministers.

"I, A. B., \_\_\_\_\_ do swear in the name of God \_\_\_\_\_ that I will not directly or solemnly affirm

indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Minister for the State of \_\_\_\_\_ except as may be required for the due discharge of my duties as such Minister."

The Fifth Schedule

[See sections 1 (2) and 47]

Enactments amended

Year	Number	Short title	Amendments
1	2	3	4
1950	XLIII	The Representation of the people Act, 1950.	<p>In clause (cc) of section 2, for the words, figures and letter "or group of such States referred to in section 27A" the words "specified in the first column of the Fifth Schedule" shall be substituted.</p> <p>In section 27A—</p> <p>(i) for the first and the second provisos to sub-section (1) the following proviso shall be substituted, namely:—</p> <p>"Provided that for the purpose of filling the seat allotted to the State of Ajmer and Coorg or to the States of Manipur and Tripura, there shall be an electoral college for each of the said States.";</p> <p>(ii) in sub-sections (2), (3) and (4) the words "or group of States", wherever they occur, shall be omitted;</p> <p>(iii) in sub-section (3), the words "as the case may be" shall be omitted;</p> <p>(iv) for sub-section (5), the following sub-sections shall be substituted, namely:—</p> <p>"(5) The electoral college for each of the States of Ajmer, Bhopal, Coorg, Delhi and Vindhya Pradesh shall consist of the members of the Legislative Assembly of that State.</p> <p>(6) The electoral college for the group of States of Bilaspur and</p>

[Shri Gopalaswami]

Year	Number	Short title	Amendments
1	2	3	4

Himachal Pradesh shall consist of:—

(a) the member of the House of the People representing the State of Bilaspur; and

(b) the members of the Legislative Assembly of the State of Himachal Pradesh.

(7) The electoral college for the State of Coorg shall consist of the elected members of the Legislative Assembly of that State."

In section 27B, the words "or group of States" shall be omitted.

In clause (a) of section 27C, the words "or group of States" in the two places where they occur, shall be omitted.

For section 27E, the following section shall be substituted, namely:—

"27E. *Procedure as to orders delimiting Constituencies.*—The Election Commission shall, in consultation with the Advisory Committee set up under sub-section (1) of section 13 in respect of each Part C State specified in the first column of the Fifth Schedule, formulate proposals as to the delimitation of constituencies in that State under section 27C and submit the proposals to the President for making the order under that section."

In sub-section (1) of section 27F, the words "or group of States" in the two places where they occur, shall be omitted.

In sub-section (1) of section 27-I, for the words "elected members of the Coorg Legislative Council" in the two places where they occur, the words "members of the electoral college for the State of Coorg" shall be substituted.

In section 27-J, the words "or the elected members of the Coorg Legislative Council" and the words "or Council, as the case may be" shall be omitted.

For section 27-K, the following section shall be substituted, namely:—

"27-K. *Electoral Colleges for certain States for which Legislative Assemblies have been constituted.*

Notwithstanding anything in the foregoing provisions of this Part, if a Legislative Assembly is constituted under the Government of Part C States Act, 1951, for any of the States specified in the first column of the Fifth Schedule, then as from the date on which the Legislative Assembly of such State is, after having been duly constituted under that Act, summoned to meet for its first session,

Year	Number	Short title	Amendments
1	2	3	4

any electoral college for the time being functioning for such State under section 27A shall be deemed to be dissolved and the electoral college for such State shall be deemed to consist of the elected members of the Legislative Assembly of that State."

For the Fifth Schedule, the following Schedule shall be substituted, namely:—  
"The Fifth Schedule.

[See sections 27A(2), 27B, 27C(a), 27E, 27F(1) and 27K.]

Number of members of Electoral Colleges.

Name of State	Number of members
1. Kutch	... 30
2. Manipur	... 30
3. Tripura	... 30."

1951 XLIII The Representation of the People Act, 1951.

In clause (j) of sub-section (1) of section 2, the words "or group of such States" shall be omitted.

In clause (b) of sub-section (2) of section 12, the words "and also the elected members of the Coorg Legislative Council, if necessary" shall be omitted.

In the proviso to clause 13, the words "or group of such States" and "or group of States" shall be omitted.

In section 39:—

(a) in sub-section (1), the words "or by the elected members of the Coorg Legislative Council" shall be omitted;

(b) in sub-section (2) the words "or the elected members of the Coorg Legislative Council" shall be omitted;

(c) In clause (a) of the third proviso to sub-section (4), the words "or by the elected members of the Coorg Legislative Council" and the words "or to the list of elected members of the Coorg Legislative Council, as the case may be" shall be omitted.

In sub-section (3) of section 53, the words "or the elected members of the Coorg Legislative Council" in the two places where they occur, shall be omitted.

In sub-section (2) of section 71, the words "including the elected members, of the Coorg Legislative Council" shall be omitted.

In section 147, the words "or the elected members of the Coorg Legislative Council" shall be omitted.

In sub-section (2) of section 152, the words "or by the elected members of the Coorg Legislative Council" and the words "or a list of elected members of the Coorg Legislative Council, as the case may be" shall be omitted.'

**Mr. Chairman:** The amendment will be taken as moved. Any amendment to the Schedules?

**Shri Poonacha:** I beg to move:

In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar, in the proposed First Schedule, under the heading "Coorg" for "5. Holeya" substitute "5. Holeya or Poleyá".

In Coorg, there are Scheduled Castes coming from Madras and there are also local inhabitants. The local inhabitants are called Holeya whereas the Scheduled Castes coming from Malabar are called Poleyá. I have moved this amendment to include both the categories of Scheduled Castes now living in the State of Coorg. These are the names found in the list of Scheduled Castes so far as the Madras and Mysore States are concerned. I am only trying to make it clear and include both so that there may not be any kind of difficulty so far as enumeration is concerned.

**Shri Gopalaswami:** I think, so far as I can judge without having investigated.....

**Shri Rajagopalachari:** I would like to ask him a question. Can the hon. Member kindly inform us whether it will not involve any trouble as regards Poleyas of Malabar who have come there as immigrants? In this matter, perhaps, he is better able to tell us.

**Shri Poonacha:** They are there as permanent inhabitants of the State.

**Shri Rajagopalachari:** Holeya would be a Coorg Scheduled Caste; Poleyá would be Malayalam speaking Scheduled Caste.

**Shri Poonacha:** There are Chembattis. They are also Scheduled Castes and they are generally known as Poleyas.

**Shri Gopalaswami:** I accept the amendment.

**Shri Rajagopalachari:** I think it would be better to give a separate number and add Poleyá. Otherwise, it may mean the same person distinguished by two names whereas it should include both of them.

**Shri Poonacha:** The position is that the word 'Poleyá' may be added. I do not think there will be any difficulty because such of those people who speak the Kanarese language are known as Holeya and those speaking the other language are called Poleyá.

**Shri Rajagopalachari:** What I am suggesting is, if we use the word 'or'

it may create legal difficulties because there are Malayalam speaking people and they are called Poleyá and there may be doubt whether they are included or not. They may be included as a separate entity. Instead of "Holeya or Poleyá," we may say, "5. Holeya 6. Poleyá, etc."

**Mr. Chairman:** "Madiga" will become No. 7 and so on.

**Shri Rajagopalachari:** The numbering may be left to the draftsmen along with other incidental matters. We may now call it item No. 5A.

**Mr. Chairman:** That is to say, "Holeya" will be item No. 5 and "Poleyá" will be item No. 5A.

So, the question is:

In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar, in the proposed First Schedule under the heading "Coorg" after "5. Holeya" insert "5A. Poleyá".

The motion was adopted.

**Shri Deshbandhu Gupta:** I beg to move:

In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar, in the proposed Third Schedule, in columns 2 and 3, against "Delhi" for "48" and "6" substitute "32" and "4" respectively.

This amendment does not require a speech of mine to explain it. The idea behind it is that the number 48 is too large. At the time the original Bill was being drafted, the idea was that we should reduce the number to 36. One of the arguments advanced by the hon. the Home Minister was—I do not know whether in informal talks or here—that the number of members of the Legislature will be the same as the number of members in the Corporation. Adult franchise will be there for both and the members will be the same. Therefore, my amendment that I now propose will meet that objection also. I have also kept the proportion of Scheduled Castes seats to the general constituency seats the same. The number for the latter was 48, the number for the former was six and in my amendment when the general constituency seats are reduced to 32, the number of the Scheduled Castes seats will be four I find that there is no fixed rule followed in fixing these seats, because these differ from State to State and the measuring rod is different from one State to another.

I hope there will be no difficulty in accepting my amendment. As I said I



have suggested reduction of the number to 32 from 48 which is too large and at the same time I have retained the proportion between the Scheduled Caste seats and the other seats.

**Shri R. Velayudhan:** No, no, the hon Member is actually reducing the number of seats given to the Scheduled Castes.

**Shri Deshbandhu Gupta:** But the thing is, the proportion is the same as originally proposed.

**Shri R. Velayudhan:** But the thing is, besides political privileges, they get other privileges also and if.....

**Shri Deshbandhu Gupta:** But I am leaving the position just as it was, because the proportion is the same now as before. When the numbers were 48 and six that is one-eighth, now they are 32 and four that is again one-eighth.

**Shri Rajagopalachari:** From the point of Scheduled Caste seats, the proportion may be retained. But I would like the hon. Member to consider this. Here it is not a question of difference of opinion between the Government and the hon. Member, but one of general principle. If the number in a Legislature is too small, what happens is, as I said yesterday, the dominant party can be just over half the House and in the dominant party the dominant group can be one over half. It can be only 25 per cent. of the total. If the total is 32, then the group will number eight people and so on. Will it not be better if we keep a larger number?

**Shri Deshbandhu Gupta:** It is to meet the hon. Minister's own argument that the number 48 will be the same as the number of members in the corporation.

**Shri Rajagopalachari:** Did I want to reduce the number then? I think it was with reference to the college of electors.

**Shri Deshbandhu Gupta:** No, the argument at one stage was that we would be giving legislative powers practically to the same body which will form the municipal corporation, a body with the same number of members.

Anyway, it is not a matter of principle and if Government is opposed to my amendment, I do not want to press it. I may add that I have also consulted local opinion on this amendment.

**Shri Rajagopalachari:** I am not opposed to it, but will it not be reducing the number too much?

**Mr. Chairman:** May I put the amendment to the House?

**Shri Deshbandhu Gupta:** I will not press it, if Government do not accept it. If they do not accept it, there is no point in pressing it.

**Shri Gopaldaswami:** Sir, in the amendment proposed by me, in the Fifth Schedule the proposed sub-section (7) of section 27A of the Representation of the People Act, 1950, may be omitted.

This item or sub-section (7) reads as follows:

"(7) The electoral college for the State of Coorg shall consist of the elected members of the Legislative Assembly of that State."

It is unnecessary to provide for this here because it is provided for by an amendment to the main thing. Wherever there is a Legislature that Legislature is the electoral college. So it is unnecessary to specify it here.

**Shri Deshbandhu Gupta:** In the case of Delhi no electoral college was provided, and for the first time you are doing it now.

**Shri Gopaldaswami:** And when you get a Legislature that will be the college of electors.

**Shri Deshbandhu Gupta:** But then you have not fixed the same proportion for all States. In Himachal Pradesh it is different and in Coorg it is different. The same proportion is not fixed for all the States.

**Shri Gopaldaswami:** So far as we are concerned, we have taken the same proportion—a multiple of the Members of Parliament or something like it. But in the case of Himachal Pradesh or Vindhya Pradesh hereafter it is going to be the Legislature which will be the college of electors and in every one of these you get a Legislature.

**Shri Deshbandhu Gupta:** If it had been fixed on the basis of population and uniformly for all the States, one could understand it. But that is not the case. In Coorg it is different and.....

**Shri Santhanam:** They are different multiples.

**Shri Deshbandhu Gupta:** They are not. Therefore, I say when you have 39 general seats, there will be four Scheduled Caste seats in Parliament. That means that the proportion of eight to one is maintained and I do not think there is any practical or administrative difficulty in the way of accepting my amendment.

**Shri Gopalswami:** I believe the hon. Member did not press his amendment.

The one that I am proposing now is for the omission of something which has crept into the Schedule through a typing mistake. They copied it from the original and hence it came in.

**Mr. Chairman:** Is it proposed to omit sub-section (7)?

**Shri Gopalswami:** Yes, from the Fifth Schedule.

**Mr. Chairman:** Very well. I will now put the amendment of the hon. Minister omitting the proposed sub-section (7) and as amended by **Shri Ponacha's** amendment.

The question is:

For the First and Second Schedules, substitute:

*'The First Schedule*

[See sections 1 (2) and 3 (2)]

*Scheduled Castes in certain Part C States*

**AJMER**

- |             |               |
|-------------|---------------|
| 1. Aheri    | 21. Kalbella  |
| 2. Bagri    | 22. Khangar   |
| 3. Balal    | 23. Khatik    |
| 4. Bambhi   | 24. Koli      |
| 5. Bansphod | 25. Korla     |
| 6. Baori    | 26. Kuchband  |
| 7. Bargl    | 27. Mahar     |
| 8. Bazigar  | 28. Meghwal   |
| 9. Bhangl   | 29. Mochi     |
| 10. Bidakia | 30. Nat       |
| 11. Chammar | 31. Pasi      |
| 12. Dabgar  | 32. Raigar    |
| 13. Dhanak  | 33. Rawal     |
| 14. Dhed    | 34. Sarbhangl |
| 15. Dhobi   | 35. Sargara   |
| 16. Dholi   | 36. Satia     |
| 17. Dom     | 37. Thori     |
| 18. Garoda  | 38. Tirgar    |
| 19. Gancha  | 39. Kanjar    |
| 20. Jatava  | 40. Sansi     |

**BHOPAL**

- |           |                    |
|-----------|--------------------|
| 1. Balahi | 9. Khatik          |
| 2. Basar  | 10. Koli           |
| 3. Bedia  | 11. Kanjar         |
| 4. Beldar | 12. Mehtar, Bhangl |
| 5. Chamar | 13. Mahar          |
| 6. Chitar | 14. Mang           |
| 7. Dhanuk | 15. Nut            |
| 8. Dome   | 16. Silawat        |

**COORG**

- |                  |              |
|------------------|--------------|
| 1. Adi Dravida   | 6. Madiga    |
| 2. Adi Karnataka | 7. Muchi     |
| 3. Adiya         | 8. Mundala   |
| 4. Balagal       | 9. Panchama  |
| 5. Holeya        | 10. Paraya   |
| 5A. Poleya       | 11. Samagara |

## DELHI

- |                            |                            |
|----------------------------|----------------------------|
| 1. Adi-Dharmi              | 22. Kanjar                 |
| 2. Agria                   | 23. Khatik                 |
| 3. Aheria                  | 24. Koli                   |
| 4. Balai                   | 25. Lalbegi                |
| 5. Banjara                 | 26. Madari                 |
| 6. Bawaria                 | 27. Mallah                 |
| 7. Bazigar                 | 28. Mazhabi                |
| 8. Bhangi                  | 29. Megwal                 |
| 9. Bhil                    | 30. Mochi                  |
| 10. Chamar                 | 31. Nat (Rana)             |
| 11. Chanwar Chamar         | 32. Pasi                   |
| 12. Chohra (Sweeper)       | 33. Perna                  |
| 13. Chuhra (Balmiki)       | 34. Ram Dasia              |
| 14. Dhanak or Dhanuk       | 35. Ravidasi or Raidasi    |
| 15. Dhobi                  | 36. Rehgarh or Raigar      |
| 16. Dom                    | 37. Sansi                  |
| 17. Gharrami               | 38. Sapera                 |
| 18. Jatya or Jatava Chamar | 39. Sikligar               |
| 19. Julaha (Weaver)        | 40. Singiwala or Kalebella |
| 20. Kabirpanthi            | 41. Sirkiband              |
| 21. Kachbandha             |                            |

## HIMACHAL PRADESH

- |   |                                      |
|---|--------------------------------------|
| 1. Ad-dharmi                                | 16. Kabirpanthi or Julaha<br>or Keer |
| 2. Balmiki or Chura or<br>Bhangi or Sweeper | 17. Koli                             |
| 3. Bangali                                  | 18. Mazahabi                         |
| 4. Banjara                                  | 19. Mochi                            |
| 5. Barar                                    | 20. Nat                              |
| 6. Bawaria                                  | 21. Od                               |
| 7. Bazigar                                  | 22. Pasi                             |
| 8. Hesi                                     | 23. Phrera                           |
| 9. Bhanjra                                  | 24. Ramdasi or Ravidasi              |
| 10. Chamar                                  | 25. Ramdasia                         |
| 11. Chanal                                  | 26. Rehar                            |
| 12. Dagi                                    | 27. Sansi                            |
| 13. Daole                                   | 28. Sapela                           |
| 14. Dhaki or Toori                          | 29. Sikligar                         |
| 15. Doom or Doomna                          | 30. Sirkiband                        |

## VINDHYA PRADESH

- |                     |                                  |
|---------------------|----------------------------------|
| 1. Basor (Bansphor) | 6. Dom                           |
| 2. Chamar           | 7. Domar or Doris                |
| 3. Dahalt           | 8. Kuchbandhia                   |
| 4. Dharkar          | 9. Mehtar or Bhangi or<br>Dhanuk |
| 5. Dher             | 10. Mochi                        |

[Mr. Chairman.]

*The Second Schedule \**

[See sections 1 (2) and 3 (2)]

*Scheduled Tribes in certain Part C States***BHOPAL**

- |          |                          |
|----------|--------------------------|
| 1. Bhil  | 5. Mogia                 |
| 2. Gond  | 6. Pardhi                |
| 3. Keer  | 7. Saharia, Sosia or Sor |
| 4. Karku |                          |

**COORG**

- |           |            |
|-----------|------------|
| 1. Korama | 4. Maratha |
| 2. Kudiya | 5. Meda    |
| 3. Kuruba | 6. Yerava  |

**VINDHYA PRADESH**

- |             |                  |
|-------------|------------------|
| 1. Agariya  | 8. Mawasi        |
| 2. Baiga    | 9. Panika        |
| 3. Bhumiya  | 10. Pao          |
| 4. Gond     | 11. Bhil         |
| 5. Kamar    | 12. Bedia        |
| 6. Khairwar | 13. Biar (Biyar) |
| 7. Majhi    | 14. Sonr.        |

*The Third Schedule*

[See sections 1 (2) and 4]

*Table of seats in the Legislative Assemblies*

State	Total number of seats	Seats reserved for Scheduled Castes	Seats reserved for Scheduled Tribes
1	2	3	4
Ajmer	30	6	—
Bhopal	30	5	2
Coorg	24	3	3
Delhi	48	6	—
Himachal Pradesh	36	8	—
Vindhya Pradesh	60	6	6

*The Fourth Schedule*

[See sections 19 and 42 (4)]

**FORMS OF OATHS OR AFFIRMATIONS**

- I

Form of oath or affirmation to be made by a member of the Legislative Assembly.

"I, A. B., having been elected (or nominated) a member of the Legislative Assembly of \_\_\_\_\_ do swear in the name of God \_\_\_\_\_ that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter."

solemnly affirm

## II

Form of oath of office for a member of the Council of Ministers.

"I, A. B., do swear in the name of God that I will bear true faith and solemnly affirm

allegiance to the Constitution of India as by law established, that I will faithfully and conscientiously discharge my duties as a Minister for the State of \_\_\_\_\_, and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or illwill."

## III

Form of oath of secrecy for a member of the Council of Ministers.

"I, A. B., do swear in the name of God that I will not directly or solemnly affirm

indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Minister for the state of \_\_\_\_\_ except as may be required for the due discharge of my duties as such Minister."

*The Fifth Schedule*

[See sections 1 (2) and 47]

*Enactments amended*

Year	Number	Short title	Amendments
1	2	3	4
1950	XLIII	The Representation of the People Act, 1950.	<p>In clause (cc) of section 2, for the words, figures and letter "or group of such States referred to in section 27A" the words "specified in the first column of the Fifth Schedule" shall be substituted.</p> <p>In section 27A—</p> <p>(i) for the first and the second provisos to sub-section (1) the following proviso shall be substituted, namely:—</p> <p>"Provided that for the purpose of filling the seat allotted to the State of Ajmer and Coorg or to the States of Manipur and Tripura, there shall be an electoral college for each of the said States.";</p> <p>(ii) in sub-sections (2), (3) and (4) the words "or group of States", wherever they occur, shall be omitted;</p> <p>(iii) in sub-section (3), the words "as the case may be" shall be omitted;</p> <p>(iv) for sub-section (5), the following sub-sections shall be substituted, namely:—</p> <p>"(5) The electoral college for each of the States of Ajmer, Bhopal, Coorg, Delhi and Vindhya Pradesh shall consist of the members of the Legislative Assembly of that State.</p>

[Mr. Chairman.]

Year	Number	Short title	Amendments
1	2	3	4
			(6) The electoral college for the group of States of Bilaspur and Himachal Pradesh shall consist of:—
			(a) the member of the House of the People representing the State of Bilaspur; and
			(b) the members of the Legislative Assembly of the State of Himachal Pradesh.”
			In section 27B, the words “or group of States” shall be omitted.
			In clause (a) of section 27C, the words “or group of States” in the two places where they occur, shall be omitted.
			For section 27E, the following section shall be substituted, namely:—
			“27E. <i>Procedure as to orders delimiting Constituencies.</i> —The Election Commission shall, in consultation with the Advisory Committee set up under sub-section (1) of section 13 in respect of each Part C State specified in the first column of the Fifth Schedule, formulate proposals as to the delimitation of constituencies in that State under section 27C and submit the proposals to the President for making the order under that section.”
			In sub-section (1) of section 27F, the words “or group of States” in the two places where they occur, shall be omitted.
			In sub-section (1) of section 27-I, for the words “elected members of the Coorg Legislative Council” in the two places where they occur, the words “members of the electoral college for the State of Coorg” shall be substituted.
			In section 27-J, the words “or the elected members of the Coorg Legislative Council” and the words “or Council, as the case may be” shall be omitted.
			For section 27-K, the following section shall be substituted, namely:—
			“27-K. <i>Electoral Colleges for certain States for which Legislative Assemblies have been constituted.</i> —
			Notwithstanding anything in the foregoing provisions of this Part, if a Legislative Assembly is constituted under the Government of Part C States Act, 1951, for any of the States specified in the first column of the Fifth Schedule, then as from the date on which the Legislative Assembly of such State is, after having been duly constituted under that Act, summoned to meet for its first session, any electoral college for the time being functioning for such State under section

Year	Number	Short title	Amendments								
1	2	3	4								
			<p>27A shall be deemed to be dissolved and the electoral college for such State shall be deemed to consist of the elected members of the Legislative Assembly of that State."</p> <p>For the Fifth Schedule, the following Schedule shall be substituted, namely:—</p> <p>"The Fifth Schedule.</p> <p>[See sections 27A(2), 27B, 27C(a), 27E, 27F(1) and 27K.]</p> <p>Number of members of Electoral Colleges.</p> <table border="1"> <thead> <tr> <th>Name of State</th> <th>Number of members.</th> </tr> </thead> <tbody> <tr> <td>1. Kutch</td> <td>30</td> </tr> <tr> <td>2. Manipur</td> <td>30</td> </tr> <tr> <td>3. Tripura</td> <td>30."</td> </tr> </tbody> </table>	Name of State	Number of members.	1. Kutch	30	2. Manipur	30	3. Tripura	30."
Name of State	Number of members.										
1. Kutch	30										
2. Manipur	30										
3. Tripura	30."										
1951	XLIII	The Representation of the People Act, 1951.	<p>In clause (j) of sub-section (1) of section 2, the words "or group of such States" shall be omitted.</p> <p>In clause (b) of sub-section (2) of section 12, the words "and also the elected members of the Coorg Legislative Council, if necessary" shall be omitted.</p> <p>In the proviso to clause 13, the words "or group of such States" and "or group of States" shall be omitted.</p> <p>In section 39:—</p> <p>(a) in sub-section (1), the words "or by the elected members of the Coorg Legislative Council" shall be omitted;</p> <p>(b) in sub-section (2) the words "or the elected members of the Coorg Legislative Council" shall be omitted;</p> <p>(c) In clause (a) of the third proviso to sub-section (4), the words "or by the elected members of the Coorg Legislative Council" and the words "or to the list of elected members of the Coorg Legislative Council, as the case may be" shall be omitted.</p> <p>In sub-section (3) of section 53, the words "or the elected members of the Coorg Legislative Council" in the two places where they occur, shall be omitted.</p> <p>In sub-section (2) of section 71, the words "including the elected members, of the Coorg Legislative Council" shall be omitted.</p> <p>In section 147, the words "or the elected members of the Coorg Legislative Council" shall be omitted.</p> <p>In sub-section (2) of section 152, the words "or by the elected members of the Coorg Legislative Council" and the words "or a list of elected members of the Coorg Legislative Council, as the case may be" shall be omitted.</p>								

The motion was adopted.

**Mr. Chairman:** The question is:

"That the Schedules, as amended, stand part of the Bill."

The motion was adopted.

The Schedules, as amended, were added to the Bill.

**Clause 1.**—(Short title)

*Amendment made:*

For clause 1, substitute:

"1. *Short title and commencement.*—(1) This Act may be called the Government of Part C States Act, 1951.

(2) This section and sections 2, 3, 11, 13, 14, 15, 22, 46A, 46B, and 47 and the First, Second, Third and Fifth Schedules shall come into force at once, and the remaining provisions of this Act shall come into force on such date or dates as the Central Government may by notification in the official Gazette appoint, and for this purpose the Central Government may appoint different dates for different provisions of this Act and for different States:

Provided that the provisions of sections 3, 11, 13, 14, 15 and 22 shall not come into force in any of the States of Kutch, Manipur and Tripura until such date or dates as the Central Government may by notification in the Official Gazette appoint in this behalf."

[*Shri Gopaldaswami*]

(*Long title*)

**Shri Gopaldaswami:** I beg to move:

For the long title, substitute:

"A Bill to provide for Legislative Assemblies and Councils of Ministers in certain Part C States and for Councils of Advisers in Kutch, Manipur and Tripura."

**श्री भट्ट :** समापति जी, जो मेरा संशोधन है वह इस प्रकार है :

For long title substitute:

"A Bill to provide for Legislative Assemblies, Councils of Ministers and Councils of Advisers for Part C States."

इस का मतलब तो इतना ही है कि लॉन्ग टाइटिल (Long Title) में यह नहीं आने देना चाहता कि एडवाइजर्स

इन कच्छ, मणिपुर एंड त्रिपुरा । यह तो टैम्पोरैरी फेज (temporary phase) है, शायद वहाँ भागे चल कर लैजिस्लेटिव असेम्बली बन जाय, इस का कान्स्टिट्यूशन रखा गया है । इस लिये लॉन्ग टाइटिल जनरल तौर पर रखा जाय तो अच्छा रहेगा ।

[**Shri Bhatt:** Sir, my amendment is as follows:

For long title substitute:

"A Bill to provide for Legislative Assemblies, Councils of Ministers and Councils of Advisers for Part C States".

That only means that I do not want the words 'Adviser in Kutch, Manipur and Tripura' to be included in the long title. It is merely a temporary phase; a Legislative Assembly may possibly be formed there; its Constitution has been provided. So if the long title is retained in a general way, I think it would be better.]

**Shri Gopaldaswami:** I see no harm in accepting this amendment and I am prepared to accept it in place of mine.

**Mr. Chairman:** The question is:

For the long title, substitute:

"A Bill to provide for Legislative Assemblies, Councils of Ministers and Councils of Advisers for Part C States."

The motion was adopted.

The Title, as amended, was added to the Bill.

The Enacting Formula was added to the Bill.

**Shri Gopaldaswami:** I beg to move:

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

**Mr. Chairman:** Motion moved:

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

**Shri Gopaldaswami:** With your permission, Sir, at this stage I would like to move two amendments. One is for correcting what under a mistaken impression became an accepted amendment and the other is for merely improving the language of an amendment which was moved by Mr. Sarwate which I accepted.

I beg to move:

In sub-clause (4) of clause 17 as amended for "as may be determined



by the rules of procedure of the Assembly" substitute "as the Chief Commissioner may appoint for the purpose".

The real difficulty is that when the Assembly meets for the first time somebody has to be designated by some authority for the purpose of presiding over the Assembly. That is a contingency where you will neither have a Speaker nor a Deputy-Speaker. That was why "as the Chief Commissioner may appoint for the purpose" was put down. That power could be exercised only when both the Speaker and the Deputy-Speaker are absent. That is why I want the original language to be restored, if the House will permit it to be done.

I also beg to move:

For clause 17A, substitute:

"17A. *The Speaker or the Deputy-Speaker not to preside while a resolution for his removal from office is under consideration.*—(1) At any sitting of the Legislative Assembly, while any resolution for the removal of the Speaker from his office is under consideration, the Speaker, or while any resolution for the removal of the Deputy-Speaker, from his office is under consideration, the Deputy-Speaker, shall not, though he is present, preside, and the provisions of subsection (5) of section 17 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Speaker or, as the case may be, the Deputy-Speaker is absent."

(2) The Speaker shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly while any resolution for his removal from office is under consideration in the Assembly and shall, notwithstanding anything in section 20, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes."

This is in place of the amendment which was moved by Mr. Sarwate, which referred to what should happen when a resolution for the removal of the Speaker or Deputy-Speaker was being considered by the Assembly. The language in this amendment is a slight improvement on the language which Mr. Sarwate had used and it does not alter the substance in the least.

**Mr. Chairman:** The first amendment with regard to sub-clause (4) of clause 17 wants to substitute the words "as

the Chief Commissioner may appoint for the purpose" in place of the amendment which the hon. Minister had accepted earlier in this regard. He wants obviously to revert to the original language of clause 17(4). Ordinarily when once an amendment has been accepted by the House, at the third reading stage it is not reversed. I will therefore be guided by the opinion of the House in this matter. If the House accepts the amendment there can be no legal objection but if the House objects I will have to rule it out.

**Shri Gopalaswami:** Sir, I do not want the House to set any bad or inconvenient precedent. If you are of opinion that an amendment which had been accepted cannot be substituted by the original language of the Bill, I obey to your ruling. The only thing I shall have to do is to use the other provision in the Bill which gives the President power to remove any difficulty. So I do not press the first amendment.

**Mr. Chairman:** They I will put the other amendment to the House, as it involves only drafting changes and no question of principle.

The question is:

For clause 17A, substitute:

"17A. *The Speaker or the Deputy-Speaker not to preside while a resolution for his removal from office is under consideration.*—(1) At any sitting of the Legislative Assembly, while any resolution for the removal of the Speaker from his office is under consideration, the Speaker, or while any resolution for the removal of the Deputy-Speaker, from his office is under consideration, the Deputy-Speaker, shall not, though he is present, preside, and the provisions of subsection (5) of section 17 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Speaker or, as the case may be, the Deputy-Speaker is absent.

(2) The Speaker shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly while any resolution for his removal from office is under consideration in the Assembly and shall, notwithstanding anything in section 20, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes".

The motion was adopted.

**Mr. Chairman:** We have been considering this Bill now all these days. We have so much work to do that I make a special request that if the Members so please they may go on and finish the Bill today. All the points are clear and fresh in the minds of hon. Members. So, if hon. Members agree I will put a time-limit of fifteen minutes on speeches. Though it is an important Bill I would request hon. Members to agree to this procedure. I hope they do agree.

**Hon. Members:** No, no. Half an hour should be the time limit.

**Mr. Chairman:** After all, as practical men we want to finish the Bill today. If each Member takes half an hour it will mean that we have to go on till midnight.

**Hon. Members:** Let us sit on Monday.

**Shri Kamath:** Let us make a night of it. Let the Part C States Bill be memorable through a midnight sitting.

**Mr. Chairman:** I have indicated my desire in the matter—I would request hon. Members to finish it today if we can do so within reasonable time, say, within an hour or so. If, however, they want to take more time then I think I shall have to postpone consideration.

**Hon. Members:** Postpone it.

**Mr. Chairman:** Then we shall meet on Monday.

*The House then adjourned till Half Past Eight of the Clock on Monday, the 3rd September, 1951.*

— — —