

Volume X

No. 1 - 13



Par. S.1.X.1.51

886

PARLIAMENTARY DEBATES

—
PARLIAMENT OF INDIA

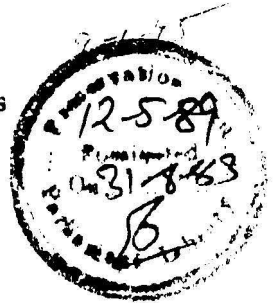
OFFICIAL REPORT

—
Part I—Questions and Answers

—
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Oral Answers to Questions [Cols. 1595—1626].

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Price Four Annas (Inland)

Price Ten Annas (Foreign)

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

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PARLIAMENT OF INDIA

Monday, 15th October, 1951

The House met at Nine of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Short Notice Questions and Answers

EJECTION OF TENANTS IN PUNJAB

Ch. Ranbir Singh: Will the Minister of Home Affairs be pleased to state whether:

(a) it is a fact that the Governor of Punjab State has sent suggestions to amend the Punjab Tenants (Security of Tenure) Act, 1950?

(b) Is it also a fact that several thousand cases of ejection suits are pending in the Courts and several thousand tenants have already been ejected due to defective provisions of the existing Act?

Mr. Deputy-Speaker: There is another short notice question by Sardar Hukam Singh which relates to the same matter. He may also read out his question so that both may be answered together by the hon. Minister.

**LEGISLATION re: SECURITY AGAINST
EJECTION OF TENANTS IN PUNJAB**

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

(a) whether the Governor of the Punjab has submitted any draft for the consideration of the President and advised some legislation to be passed for the security of tenure of tenants in the Punjab; and

(b) if so, whether Government would advise the President to enact

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such an urgent legislation immediately; if not, why not?

The Minister of Home Affairs (Shri Rajagopalachari): An adjournment motion is also there. Perhaps you may take that also.

Mr. Deputy-Speaker: If the hon. Minister answers both the Short Notice Questions I do not think it may be necessary for me to put the Adjournment Motion.

Shri Rajagopalachari: Regarding the Short Notice Question of Shri Ranbir Singh as well as the Short Notice Question of Sardar Hukam Singh, Government are aware of the widespread desire for an immediate enactment to meet the situation created by large scale ejections of tenants. This demand for legislation to amend the Punjab Tenants' Security of Tenure Act coming as it does irrespective of party affiliations is being examined urgently and I expect that Government will very shortly advise the President to issue an enactment. Certain other enactments are also overdue which I have fully explained to hon. Members of the House hailing from Punjab at two informal meetings and I expect the Government will advise the President to promulgate them too very shortly.

Ch. Ranbir Singh: May I know the details of the suggestions forwarded by the Governor to amend the existing Act?

Shri Rajagopalachari: Sir, I have explained it, as I said, at an informal meeting of all the Punjab Members, and I do not think I need say anything more than that it is to give greater security of tenure than they now possess under the law.

Ch. Ranbir Singh: Is the hon. Minister aware of the fact that under the present Act there is no provision to safeguard the tenants in getting the necessary irrigation water in the border land?

Shri Rajagopalachari: That also is being taken into consideration.

Ch. Ranbir Singh: Will the hon. Minister take care to accept the suggestions and amend the provisions of the law accordingly?

Shri Rajagopalachari: As I said, it will be examined and, if it is found proper and necessary, I expect Government will accept that suggestion also.

Sardar Hukam Singh: May I know whether the cases of those tenants who have been ejected during the last year will be covered by this proposed legislation?

Shri Rajagopalachari: I think so, Sir.

Sardar Hukam Singh: Could I know the number of tenants that have been evicted from their holdings during the last three years?

Shri Rajagopalachari: I have collected some figures, but I am sorry I have not got them here. They range round about four or five thousand each year.

Sardar Hukam Singh: There is a provision that the legislation after it is enacted by the President has to be placed on the Table of the House. But that will not be possible because Parliament is closing now. Have Government considered this aspect also and devised measures to tide over that sort of difficulty, so that there may be no delay in giving effect to this legislation?

Shri Rajagopalachari: Hon. Members are aware that the difficulty is due to want of time, and for that reason I wanted all the Members interested intimately in the Punjab affairs to meet and I have placed the details before them. It would not be possible to have the matter thoroughly examined and enacted and placed on the Table of the House during this session.

Ch. Ranbir Singh: Will the hon. Minister be pleased to state whether the tenants of the evacuee land will get the safeguard of security of tenure under the Act or not?

Shri Rajagopalachari: The provisions with regard to the time during which the new provisions will operate, giving advantage to the tenants who were evicted, would, I take it, cover people who were recently ejected from the evacuee lands

Ch. Ranbir Singh: Is the Government prepared to consider the suggestion that the tenants who have been there for more than ten or six years should be declared as occupancy tenants?

Shri Rajagopalachari: Sir, I do not think any useful purpose will be served by giving answers offhand. The Bills will be before the Government and the Cabinet will examine them after previous detailed examination.

Mr. Deputy-Speaker: I would only suggest this to hon. Members. They may send whatever suggestions they want to make to the hon. Minister in writing or meet him, and he will certainly consider all those suggestions. Questions are not the proper form for making those suggestions.

Shri Juani Ram: May I know the time when the Government felt the urgency of the legislation, and if the Government felt it earlier why the matter was not brought to the notice of the President before, for amendment of the legislation?

Shri Rajagopalachari: These proposals had been considered by the Ministry when they were in charge. After the President took over and the Governor was placed in charge, the matter was examined not only as to the necessity and urgency but also the propriety of putting through such legislation at this stage. These things take a little time. There was no loss of time.

Shri Kamath: For how many years has the existing law been in force and have the ejectments increased in number of late?

Shri Rajagopalachari: The Act which is now to be amended was passed in the latter part of 1950. Whenever there is a change of law the mentality of the parties concerned begins to operate quickly and change and probably the increased number of ejectments is due to that.

Ch. Ranbir Singh: Is the Government aware that this process of ejectments started after August 1947 due to the fear that the Congress is committed to safeguard the tenants and therefore the landlords will have to lose their land? If so, is the Government prepared to consider the cases of restoration of the tenants who have been ejected after 1947; if not, why not?

Shri Rajagopalachari: The presumption of the hon. Member is probably right and the suggestion will be considered.

Dr. Ram Subhag Singh: May I know whether the landlords are themselves tilling the land from which they ejected the tenants?

Shri Rajagopalachari: The legal position is that they become themselves cultivators.

Pandit Thakur Das Bhargava: Is it not a fact that this Act was passed unanimously by the Punjab Assembly in 1950?

Shri Rajagopalachari: It was passed in the latter part of 1950 unanimously, but there have been, as pointed out by other Members, difficulties arising out of it still.

Ch. Ranbir Singh: Is the hon. Minister aware of the fact that while this Act was passed 12 Parliamentary Secretaries and a Minister were created to pass this Act?

Shri Rajagopalachari: I do not think I can accept such suggestions.

Mr. Deputy-Speaker: I think we will proceed to other matters. I have received notice of an Adjournment Motion from Ch. Ranbir Singh and Giani G. S. Musafir relating to this same matter, the immediate necessity for amending the Punjab Tenants (Security of Tenure) Act, 1950 on the so called ejection of tenants at will of the Punjab State. This has been sufficiently answered by the hon. Minister and therefore, I do not think hon. Members want to press it.

Shri Jhunjhunwala: I submitted a Short Notice Question to you in the Chamber, Sir, and I am authorized to put that question on behalf of Mr. Chattopadhyay.

Mr. Deputy-Speaker: It is not in the Order Paper for this day. The House will now proceed to Legislative Business.



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PARLIAMENTARY DEBATES

Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME XVI, 1951

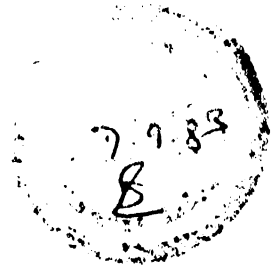
(24th September, 1951 to 16th October, 1951)

Fourth Session

of the

PARLIAMENT OF INDIA

1951



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CORRIGENDA

to

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

Volume XVI,—

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

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

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

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

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

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

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

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

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

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

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

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

No. 7, dated the 1st October, 1951,—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii)

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

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

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

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

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

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

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

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

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

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

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

4913

4914

PARLIAMENT OF INDIA

Monday, 15th October, 1951

The House met at Nine of the Clock.

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

QUESTIONS AND ANSWERS

(See Part I)

9-15 A.M.

Shri Chaliha (Assam): I applied for leave of absence for this session but as I became well now, I came back and I attended on the 12th.

Mr. Deputy-Speaker: I am sure the House will be only too glad to have **Mr. Chaliha** back. He originally expected not to be able to attend the session but by God's grace, he has been restored to health.

Ch. Ranbir Singh (Punjab): I sent a notice of an adjournment motion regarding drought prevailing.....

Mr. Deputy-Speaker: I am not admitting that.

ALL-INDIA SERVICES BILL

The Minister of State for Home Affairs (Siddha): I beg to move:

"That the Bill to regulate the recruitment, and the conditions of service of persons appointed, to the all-India Services common to the Union and the States, be taken into consideration."

Sir, there are three types of services under the Government of India; one is the purely simple Central service; the second is purely State service which is governed by article 309 and there is a proviso under which the rules are to be
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made and which are in existence today. The third is the All India Service and as hon. Members are aware after the Indian Civil Service the Government have introduced the Indian Administrative Service and the Indian Police Service. Article 312 creates a constitutional lacuna and to fill in that gap this Bill has been brought here so that the rules may be made and statutory provisions given to these rules relating to All-India Services. This is a very short and simple Bill. I do not think this Bill requires much consideration. I would, however, like to state that the items relating to article 313 are already provided and items relating to article 312 under which this Bill is sought to be brought before the House are mostly those which are settled for consideration and will be covered by the Statutory rules—the creation of the Indian Administrative Central Cadre Scheme, amendments to travelling allowances, rules regarding the relative seniority of over-age emergency recruits etc. There are many matters relating to the services which are still under consideration by the Government and it was not possible in the shortness of time to bring a comprehensive Bill in this session. There are certain matters which are important, namely extension of I. A. S. and I. P. S. to Part B States, retirement benefits, extension of medical attendance, rules for fixation of relative seniority of officers and travel facilities for periodical visits by officers, disciplinary matters and all these matters are still receiving the attention of the Government. No sooner these are settled and organised, Government intend to bring a comprehensive Bill which will find its place in the Statute. All these rules will under clause 3(2) be placed before the House and will be subject to the modification or alteration by any motion that could be moved by any Member. Thus it will be seen that Parliament has the absolute right to consider these rules when the amendments are made to them. I may just mention that I have received three amendments in this respect. One of them is the amendment

[Shri Sidhva]

by Shri Sarwate. He wants a slight amendment that for the words "during the session in which they are so laid" the words "on a motion made and passed for the purpose" be substituted. I am prepared to accept that amendment. There are two other amendments standing in the name of Shri Rathnaswamy which relate to the fixation of quota for the Scheduled Castes and Scheduled Tribes in the services. It is not possible, Sir, for these services to be reserved in the Statute. Already Government have made rules in the past and under these rules twelve and a half per cent. of services have already been reserved for the Scheduled Castes and five per cent. for Scheduled Tribes and the same procedure will be followed in this respect also. I do not think it is possible or desirable to make any mention of it in the Bill. As regards the statutory provision with regard to the reservation of the Scheduled Tribes and Castes there is another amendment in his name which states that the words "only after they are approved by Parliament" may be added. As you are well aware this is neither workable nor practicable.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to regulate the recruitment, and the conditions of service of persons appointed, to the all-India Services common to the Union and the States, be taken into consideration."

Shri Shiv Charan Lal (Uttar Pradesh): By way of information, may I ask when a comprehensive Bill is going to be put up by the Government, what is the necessity of putting up parts of this Bill which will go on for a few months? Will it not be better to put up a comprehensive Bill when it is ready?

Shri Sidhva: This is really very necessary and urgent. There are certain provisions on which already the Government had taken a decision but for which there is no statutory power behind it. Therefore, it is necessary that this Act should be passed so that those which have been settled can be embodied in the Statute.

Shri Kamath (Madhya Pradesh): This Bill is being piloted by my hon. friend, Mr. Sidhva, the first act of his after his translation or elevation to the Ministership of State for Home Affairs. It almost appears that this Bill was awaiting his elevation for being piloted in the House, because I feel that Government must have been aware not only yesterday, but many weeks or many months ago that certain rules in this

regard were absolutely essential. Yet the matter appears to have been postponed for some reason or other, apparently because there were more important Bills which had to take priority over this one; yet I felt and I feel today also that considering the fact that the provisions of the Bill and all rules made under section 3 have to be laid before Parliament for approval or modification, I felt that it would have been far better if this Bill—which Mr. Sidhva very rightly observed is a very simple Bill—had been brought up, introduced and passed by Parliament much earlier. It would not have taken much time at all; it would not have intruded upon the time that was allotted for other more important Bills. If that had been done, the rules that are to be framed by Government in this regard would have been brought before Parliament during this session, and we would have had an opportunity of looking into them and modifying them if we deemed fit and necessary. Unfortunately, the future is uncertain. As has been very rightly observed by a philosopher, the only certainty about life is its uncertainty; and Parliament being no exception to life, the only certainty about this Parliament is its uncertainty. We do not know yet for certain whether this Parliament will meet again at all during its life time, and so we are in doubt whether the rules that are going to be framed by Government will come up for consideration before this Parliament at all. It is rumoured that there might be a short session in February next; but that is only on the knees of the gods: if not of the gods in heaven, then the gods on earth, the gods in the Secretariat and in the Ministries. Yet, even if that were to come about, it is still far off. The rules regulating conditions of service and recruitment which are very important in a free State might have been framed earlier, in July or early August, and we could have had an opportunity of probing into them during this session. This has not been done. I would request the Minister of State to tell us in his reply to the debate why this matter was not considered earnestly and actively by our active Government. As the Home Minister told us some time ago, this Government is an active Government. We expected that Government would consider this matter actively and earnestly long before. This is a simple matter and it could have been done if Government had the will to do it. I would expect the hon. Minister to tell us why this was not done earlier and when exactly, if at all, the rules to be framed by Government in this regard would be brought before Parliament, whether this Parliament will have an opportunity of going into them or the next Parliament.

Coming to the subject matter of the Bill itself, All-India Service, as defined and referred to in this Bill comprises the I. A. S. and the I. P. S. The I. P. S. retains its old name, the name which obtained during the British regime; but the I. A. S. is a new service created after we became politically free.

Shri Shiv Charan Lal: But, both retain the same notoriety.

Shri Kamath: Both means what: I. P. S. and I. A. S.? There are three here. The I. C. S. is still there; the I. A. S. is a new creation; the I. P. S. continues the old tradition so far as the name is concerned. There is no change in name.

There were other All-India services in the olden days like the Indian Educational Service, the I.F.S.—the Indian Forest Service—now I. F. S. is some other service, the Indian Foreign Service but the older members of the Indian Forest Service are still there—the Indian Engineering Service, the Indian Medical Service, and one or two others. But, under this Bill, the expression all-India Service means the service known as the I.A.S. and the service known as the I. P. S. so that we confine our attention only to these two services. I do not know to what extent the rules which govern recruitment and conditions of service of persons appointed to the I. C. S. and I. P. S. in the olden days have been modified so far as the entrants to the new I. A. S. and I. P. S. are concerned. This much is well known that so far as the probation of the I. A. S. recruits are concerned, that is being attended to in India itself now-a-days. That, as a matter of fact, started during the war when conditions rendered that necessary. Apart from the guarantees given in the Constitution to the Members of the Services under article 314, I do not know for certain what changes have been enforced so far, or what differences there are between the Members of the old I.C.S. and Members of the new I.A.S. so far as their conditions of service go. That is an aspect of the matter upon which the hon. Minister might throw some light if he is in a position to do so today.

Then, there have been certain complaints in certain States where a Member of the A. S. who was recruited to that service after many years of service in the P. C. S., the Provincial Civil Service, has been passed over by the State Government in regard to an appointment to a senior job like a Collector or Deputy Commissioner merely on the ground that his period of tenure in the I. A. S. has been very

short though he has served a number of years in the P. C. S. This has got to be rectified. This matter must be looked into by Government and definite rules must be formulated in this regard. Government must see to it that the State Governments do not adopt any anomalous procedure with regard to persons who have been recruited to the I. A. S. from the old P. C. S.

There is one other matter about this particular Bill and it is this. My hon. friend Mr. Sidhva referred to the amendments given by Mr. Rathnaswamy as regards the statutory provisions with regard to members of the Scheduled Castes and Scheduled Tribes. Or is it only with regard to the Scheduled Castes and not Scheduled Tribes? I have not got the amendments before me here.

An Hon. Member: Scheduled Tribes also.

Shri Kamath: I think this aspect of the matter ought to be given a little more attention to what appears to have been done by the Government so far. It has acquired a little more importance at least in the eyes of Parliament and of the people after what was stated by Dr. Ambedkar in his statement the other day explaining the reasons for his resignation. Therein he observed—I am only refreshing the memory of the House—that with all its professions for the welfare and uplift of the Scheduled Castes and Tribes, Government has not shown in practice the earnestness to implement their professions. That is the sum and substance of the charge made by him. These are not the exact words used by him, but this in effect, is the charge brought by him against the Government, and he went so far as to say,—apparently referring to the Short-Notice Question asked by me and the reply of the hon. Home Minister regarding the speech made by Dr. Ambedkar in a public meeting here, in which reply it was stated by the Home Minister that the charge made by Dr. Ambedkar was baseless,—that the Home Minister sent a circular to all the Departments concerned, to all the Ministries concerned as to the number of Scheduled Castes and Tribes members that have been recruited in the Ministries. And this is what Dr. Ambedkar stated—I cannot vouch for the truth or otherwise of what he said—that the answers received in reply to the circular from most Ministries was 'nil' or 'nearly nil'. So it is not enough for the Minister to say that a proportion has been fixed or that a certain percentage—ten or twelve or five or six—has been fixed up to which members of Scheduled Tribes and Scheduled Castes

[Shri Kamath]

will be recruited. But we as Parliament must see how far the practice of Government squares with its professions. The hon. Minister apparently is getting impatient; he is looking at the clock. I hope Sir, that in the interest of the Scheduled Castes and the Scheduled Tribes at least, he will forge the clock for some time, because these Scheduled Castes and Tribes have waited for centuries and it does not matter if Government holds its patience for a few minutes, if not for one or two hours. Therefore, I would like to emphasise this aspect of the matter, when these rules and other cognate matters are considered by Government. Otherwise the charge brought by Dr. Ambedkar which has already created misapprehension in the minds of certain sections of our people with regard to Government's treatment and Government's attitude towards the Scheduled Castes and Tribes will gather momentum which nobody wants; none in this House desires that that should happen. Consistently and in conformity with the spirit of the Constitution which has abolished untouchability and which has reserved seats for the Scheduled Castes and Scheduled Tribes in the various States and at the Centre, and also safeguarded their position so far as the services are concerned, consistently with all that and in that spirit, it behoves Government to pay more attention to this matter.

Even as regards abolition of untouchability which so far is only a paper abolition, if I am not exaggerating the matter,—as the hon. Home Minister himself was constrained to admit some time ago in the House that still complaints come from various States about the treatment accorded to the so-called untouchables,—Government also has apparently not made up its mind so far, as regards the introduction of legislation for penalising the practice of untouchability.

The Constitution is absolutely explicit on that point and provides that it shall be an offence to practise untouchability in any form or manner: it is there in Part III—Fundamental Rights—of the Constitution. But though a year and a half, if not more, has elapsed since this Constitution was promulgated, yet Government has taken no active step towards introducing a Bill to penalise the practice of untouchability. These are matters, Sir, which tend or are calculated—to use the Home Minister's own word which he used in connection with the Press Bill...

The Minister of Home Affairs (Shri Rajagopalachari): Hon. Member himself suggested it.

Shri Kamath: Beg your pardon?

Mr. Deputy-Speaker: That was the suggestion of the hon. Member, he says.

Shri Kamath: I do not mind if it came from me. But it was in the original Bill, and sometimes first thoughts are the best, though at times first thoughts are not as good as second thoughts.—Anyway, as I was saying, these are matters which tend to detract from the popularity of our Government and it is desirable in troublous times like the present that Government should pay more attention to the condition of the so-called Scheduled Castes and Scheduled Tribes and other backward classes.

It has also been pointed out by Dr. Ambedkar that the President has not taken any initiative or step so far about the appointment of a Commission though more than a year and a half have passed.

The all-India Services will comprise the two services, the I.A.S. and the I. P. S. I have already referred in the earlier part of my speech to the I. F. S. This new Indian Foreign Service though it differs from the other two services in certain respects, there also, I believe so far as recruitment is concerned, apart from certain qualifications needed for members of that service, including the one recently mentioned by the hon. Prime Minister, that of a suitable wife.....

Mr. Deputy-Speaker: Are we not going beyond the scope of the present Bill? One is about the Union Service and the other is All-India Services. I am afraid the hon. Member is going beyond the scope of the Bill.

Shri Kamath: All right, Sir, I will not dwell upon that part. I only want to compare the rules and qualifications mentioned by the Prime Minister with those that might be formulated for these two services and would like to know whether this qualification of a suitable wife will also be prescribed for the members of the All-India Services, the I. A. S. and the I. P. S., or only restricted to those in the I. F. S. But we know of many of our Ambassadors and diplomats who have no wives or who have not their wives with them abroad, what happens in that case? And in the case of a woman, what happens if she has no husband? This aspect of the matter may be considered in connexion with the rules for the I. A. S. and I. P. S.

Before I close, I would like to repeat that we would have welcomed and we would have been happier if this Bill had come in the earlier part of the

session, so that we might have had an opportunity of looking at the rules and modifying them if we thought fit. But now we are helpless in the matter and the Government will go its own way according to its sweet will. We shall have no opportunity of scrutinising these rules. But we trust to the wisdom of the Home Minister or his successor,—if that is going to happen at all,—or the Minister of State himself who is a man of ripe experience and has known the services in various capacities. I am sure he will let the Government have the benefit of his wisdom and experience of—not three score and ten years, but one less—he will be seventy, I understand, when he is elected to Parliament next year. I hope the hon. Minister or his successor, and the Minister of State will give their earnest attention to the various matters I have suggested in the course of my speech, and will also take pains and care to see that this Parliament will meet either in January or February, when this brief Bill might be finalised by this Parliament itself, in the fitness of things; if for nothing else, at least for the House to have a look at these rules, it might be a one day or two day session, but of course there will be other business besides, and it may be a little longer. I hope that that session will be held so that these matters might be debated and finally approved or modified by this Parliament.

Sir, I support the motion for the consideration of this Bill.

Shri Rathnaswamy (Madras): Sir, I very much regret that the Government has delayed in bringing a measure embodying the provisions of article 312 of the Constitution, by which Parliament would be in a position to regulate the recruitment and service conditions. It is hardly necessary for me to say on this occasion how important it is for our country to have a sound and healthy administration, when we are trying to build up a democracy in our country and at a time when there are forces and factors at play to thwart and impede the progress of democracy.

In the recent report of the U. P. S. C. it is pointed out how the Government wanted to treat the Commission as merely a registering body and how the Government rejected the recommendations of the Commission whenever the Commission felt that in the interest of the administration certain rules should be observed. I should like to take this opportunity to point out to you, Sir, the irregularity and the way in which the Government has been functioning in respect of recruitment to the services and also in regard to

the laying down of conditions of service. I am told that in regard to certain key appointments in the Planning Commission the Government made those appointments without taking into consultation the U. P. S. C. and after making those appointments the U. P. S. C. was asked to regularise them.

Again, you may know that there are thousands of employees in Government service today who have put in more than ten years service who have not yet been made permanent or even given a quasi permanent status in Government service. If this situation continues there is very great danger of lowering the standard of efficiency in administration. The House may be aware of the feeling of the public that during the last six years the standard of administration in our country has deplorably deteriorated. Therefore I should like to point out on this occasion the danger inherent in this Bill by giving powers to the Home Ministry to continue the old rules regarding recruitment and to lay down the conditions of service. Unless Parliament is in a position to wield general control over these matters I am afraid that it will only give room for some kind of nepotism, favouritism and such other things of which we hear a good deal in these days.

I should like here to refer to one instance, namely the extension of service given to the Director General of the Health Services by the Government. The U. P. S. C. was against the extension of service in regard to that officer but still the Government did not pay heed to the Commission's recommendation, which has its own salutary effect in regard to the regulation of the services, in the absence of Parliamentary control over the services and it really makes us feel sorry that the Government did not accept the recommendation of the U. P. S. C. in regard to the extension of the service of that particular officer. I can quote many an instance which will demonstrably prove that the Government did not pay heed to certain recommendations of the Service Commission, which would have helped our administration to run on healthy and sound lines.

I am grateful to Mr. Kamath for drawing attention to the inadequate representation of the Scheduled Castes and Tribes in the services. The Scheduled Castes and Tribes throughout the length and breadth of the country feel gratified and grateful to our benevolent Government for having been gracious enough to set apart 12 per cent. for these communities in the services but I am at a loss to know why they have failed to implement this

[Shri Rathnaswamy]

rule in regard to the filling up of the posts reserved for the Scheduled Castes. On many an occasion I put certain interpellations to the hon. Home Minister to wrest from him information as to whether the Government of India have taken sufficient and adequate steps to see that this quota reserved for the Scheduled Castes is completely adhered to. But I am sorry to say that the replies given by the hon. Home Minister on these occasions have been unsatisfactory and even when our revered Sardar was in charge of the Ministry it was not possible to get a satisfactory reply to the interpellations. I might tell you that I have heard awful stories told by such of those Scheduled Caste candidates who appeared before the U.P.S.C. that on some pretext or other they were disqualified and I am given to understand that in the written examinations they had done exceedingly well. There are many instances to show how the Scheduled Caste students in spite of the several drawbacks and handicaps under which they suffer yet acquitted themselves creditably in the written examinations. But somehow, due to something or other—I do not know whether I should call it prejudice or anything else—they have not succeeded in impressing upon the Service Commission when the *viva voce* test came along. I, therefore, would take this opportunity of making an earnest appeal to our revered Home Minister who, you know, Sir, has laboured hard for the amelioration of the conditions of Harijans in the South in particular; his sympathy and the genuine interest evinced by him in the amelioration of the conditions of Harijans is well-known throughout the length and breadth of the country. I therefore would appeal to him to take, before laying down office, sufficient and concrete steps to see that the Scheduled Castes and Scheduled Tribes are adequately represented in the I. A. S. and I. P. S. In regard to other services also, I have heard that many Scheduled Caste employees, simply because they have not passed some test like the type writing test, are going to be turned out; I am afraid if this is.....

✓ Shri Rajagopalachari: This Bill will not cover those cases.

Shri Rathnaswamy: Any way I feel constrained to draw your attention to that fact, because I am afraid that even the small percentage of appointments we have in the services we would be deprived of if the Government of India do not condescend to make relaxations wherever and whenever possible. As I told you earlier, it is the Public Service Commission which can exercise a healthy control in re-

gard to regulation and recruitment of services in the absence of Parliamentary control.

Sir, before I sit down I would once again earnestly appeal to the hon. Home Minister to give consideration to the legitimate claims and aspirations of the Scheduled Castes. If that is done in a sincere and earnest way, then alone will the Scheduled Castes be in a position to rub shoulders with the other communities in the country. If sufficient steps are not taken by our benevolent Government, I am afraid in spite of all that may have been done to ameliorate the social conditions of the Scheduled Castes, it will take a very very long time for the Scheduled Castes to claim a place of respect and honour in this country.

Dr. Deshmukh (Madhya Pradesh): Sir, I am sure everyone in this House would welcome this Bill, although it may be very brief and small and with very few clauses. The reason why I welcome this Bill is that what was being done so far by means of non-statutory executive orders is going to be done by rules laid before Parliament and by giving Parliament an opportunity of having its say on the matter. However, it would probably have been better if the rules by which these services are governed at the present moment had also been placed on the Table of this House, not for being passed at the moment, but so that the House may be informed of what exists at present—and what would be proposed to be modified hereafter.

Sir, I would like to make a few brief observations in regard to this Bill and hope the House and yourself would give me the necessary latitude to do so. The All-India Services is a matter of supreme importance for the country; it is a question of supreme importance in any country, but it is more especially so in a country of the size of India with various sections and factors that compose the Indian community. We know that the British Government ruled this country so well and for so long because of the All-India Services they had organised; their rule lasted long because of the foresight they showed in organising the All-India Services. We used to abuse the "steel frame" and we used often to say that our own people were enslaving us for the benefit of the British people. Nonetheless, when we have achieved independence we cannot only not do without the All-India Services, but I for one would suggest that it should be made as strong a steel frame as it was in the past. The necessity for doing so is probably greater today because

we have chosen the Parliamentary form of democracy under which Ministries may come and Ministries may go but we will have to rely essentially on the composition of the services. In essence the governance of the country, or the quality of it, or the purity of it will essentially depend on how we organise these services. So, from that point of view the attention given to this matter is not only not fruitless but I think a larger measure of attention ought to be given to it. What we have substituted in the place of the I. C. S. has not proved satisfactory to all. Though I know the best possible efforts have been made by those who know what it is to organise the All-India Services, yet there seem to be a good many improvements that suggest themselves and are called for. For instance, only recently to an examination held on the All-India basis certain subjects were added: that was done probably because it was thought that the number of subjects that were laid down originally were not sufficient to test the best calibre of the candidates. My only complaint, so far as that thing was concerned, was that sufficient notice was not given to the students to prepare themselves. Giving two or three months' notice for two papers of 200 marks each was not very fair to the candidates who appeared. But that is a thing of the past which I hope would not recur. Now, not only in the subjects in which they are examined but also with reference to the post-examination training, I think it would probably be necessary to lay down a longer period. It would also be necessary to send some of the candidates outside the country. I think the Home Ministry is already inclined that way, and I for one think that there is much to be said for getting a candidate see the country from outside, and to receive some sort of instruction and training somewhere outside this country. Some people do not like this idea; they think it is a pure waste of time, energy and money to send people to England even now, or even to other countries, as they think they do not imbibe anything new. I however, am very strongly in favour of it; it does give the personality of the individual a different toning and his whole aspect and attitude undergoes a very radical change which is very healthy both for efficiency and impartiality.

My second point is that attention should be paid in training these youths, to see that the different sections of the Indian people find a proper opportunity to have their representation. I do not want any communal representation on the basis of percentages, yet we should show some sympathy for those people

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for whom opportunities of education are so rare and so difficult; we should give them a helping hand and choose some at least, without, of course, impairing the efficiency of the All-India Services or of any particular State or other Service. That sympathy must be shown to them; otherwise our national life would to that extent be deficient. I am glad that the present Home Minister understands and appreciates this point of view, and I would request him to see that when he frames the new rules, or when the new rules are framed under his direction, due notice of this question is taken. Unfortunately or fortunately, as somebody has put it, Government service is the biggest industry in our country and even today the aim of higher education continues to be Government service, and nothing else. So, if people attach a very great deal of importance to Government service, I do not think they can be blamed. Of course, those who are in Government service often twist those who are outside. They say, "Do not take up Government service. We do not like it. We suffer from persecution. We are troubled very much. No one should enter Government service or aspire for it." But this is an advice given by the haves to the have-nots and is not therefore likely to be acceptable to them. Therefore, a considerable amount of sympathy has to be shown to these communities, especially the rural people who have very little chance of competing and succeeding purely on merit. We have not yet found any criterion by which it is possible to judge intrinsic merit. There is much to be said in favour of the character which the rural people possess as against the examination passing intelligence which the urban people have. If we have a combination of the two, i.e. the superior intelligence in passing examinations accompanied by the character which is to be found among the rural people, we shall be strengthening the All-India Services in every way.

I know the Home Minister is impatient that I should close my speech. I could see that from the way in which he is looking at me and the Whip is also trying to ask me to curtail my speech. I do not wish to take more time, but I plead for the backward classes for whom we have not provided a statutory reservation in the Constitution. It is all the more reasonable why greater sympathy should be shown to them. The backward classes I am thinking of are more backward than even the Scheduled Castes. I hope that

[Dr. Deshmukh]

in passing the regulations due notice of this will be taken and no section in India will feel that it is not being given the place it deserves or that insurmountable difficulties are being placed in their way in taking a due share in the governance of the country. I hope the rules framed will not be open to this objection.

With these observations, I support the motion.

Shri Jajoo (Madhya Bharat): 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.

Shri Rajagopalachari: I think it would be wrong on my part to put the burden of defence entirely on Mr. Sidhva. Very forcible remarks have been made which I think I shall try to meet as briefly as possible. It would be unconscionable if on a Bill where I promised the whole passing would only take ten minutes I take more time and add to the trouble of people who are waiting for the rest of the programme in Parliament to be gone through. I was in a vicarious way impatient because I saw that the rest of the Members were feeling that we have only a very short time left before us.

I am in entire agreement with most of the things that Dr. Deshmukh was saying, especially on principles and policies that should guide us. We have to keep several ends in view and balance the advantages. Dr. Deshmukh himself said that efficient administration is most important—perhaps even more important than the shaping of policies by the Ministers. I entirely agree with him that what the common man and woman want is good administration, and they may even suffer a bad policy for some time if the administration were good. Therefore, efficiency is necessary. At the same time, the backward classes including the Scheduled Castes and Tribes will have to be brought up. It is a vicious circle. If we insist too much on efficiency, they cannot be brought up at all and if they are not brought up—at least some of them—the moral confidence that they should have will not be developed. This is pretty old stuff and I do not think I should repeat it. We are on common ground in this matter.

I am also on common ground in regard to much that was intended to be said by Mr. Rathnaswamy in regard to

the position of the Scheduled Castes and what was said by other hon. Members also. I might without self-praise remind hon. Members in this House who belong to the Scheduled Caste that some of us took up the work even before these Scheduled Caste leaders thought of this work. It is not as if it was necessary for us to be prodded and urged by others. We took it up because the thing was right, not because of the need for appeasing the demands or popularising our own parties and things like that. We took this work up because it was the right thing to do. We have done a great deal, but everything cannot be done in one day.

Mr. Kamath was pleased to refer to the penalising of untouchability, Penalisation of a bad social custom is not so easy as it might appear when enunciated. We have to work at all points, before we can make it possible to penalise a whole society, in regard to its customs. However, much has been done. It may be pointed out that this Parliament's debates speak of only one side of the thing. Probably, much more has been done than has come to the surface in the debates of this Parliament. The debates in this Parliament have a knack of drawing the attention of the world only to what has not been done and nobody is pleased to refer to what has been done and the rest of the world is pleasingly misled in respect of this matter. If they read only the debates in this House, they will definitely come to the conclusion that nothing has been done in India for the untouchables. But that is not the case. As hon. Members know, the rest of the world is not aware of what is not referred to in the debates in this House.

Shri Kamath: As Government can do almost anything, is it necessary to point out what Government has done? Is it not enough to point out what has not been done?

Shri Rajagopalachari: That is true. It is necessary to point out what has not been done, but unfortunately this Parliament is doing two things at the same time. While asking the Government to do many things which are not done, it misleads the rest of the world by omitting to mention what is done. I only want this to be remembered. I do not stress it very much.

Dr. Deshmukh was perfectly right in saying that there should be an adequate element of the backward classes and the Scheduled Castes in the public service. Without impairing efficiency, this should be attended to. At the same time, the points made by Dr. Deshmukh answered what was referred to by Mr. Kamath. Mr. Kamath

referred to the proportion that was reserved, and he and Mr. Rathnaswamy joined together in making out that we have not fulfilled what we have set down for ourselves as our policy. It is true that the reservations that we have laid down by executive order are 12½ per cent. for the Scheduled Castes and five per cent. for the Scheduled Tribes, but at the same time the basic competency and qualifications have to be demanded. In regard to non-fulfilment of the reservations, I can answer the question more satisfactorily if we had the time, but this is not the occasion for dealing with that subject, nor is this the occasion for dealing with comments on the Public Service Commission. We have to confine ourselves to the present Bill. But briefly I might say that the failure of securing the 12½ per cent. reservation fully is due to the fact that very many people are not available who have the basic qualifications and belong to the scheduled castes. (Shri R. Velayudhan: Question.) The basic qualifications required for enrolment in the services have to be satisfied, but even if a man came 80th in the list, as I have answered once before, he has been taken because the 12½ per cent. reservation had not been filled up. We are doing everything that is possible to be done without giving up the basic qualifications laid down. I do not think it is good for anybody in the country—good even for the Scheduled Castes or any other people—that we should give up the basic qualifications that we have laid down for the services.

The reason why this Bill did not include the rules and why it was not brought before the House earlier have been set out in the Statement of Objects and Reasons and I need not repeat them. But there is one point which I should explain to hon. Members. The rules made before the 26th January, 1950 under the previous law continue to have statutory force. The rules made after the 26th January, 1950 have no statutory backing and we have to await the passing of this Bill. The rules made prior to the 26th January continue to have force by reason of the proviso to article 309. There is no similar provision in article 312 and that is why we have hurried with the present Bill. If this Bill is passed, the rules will get force and we will place them on the Table of the House. The reasons which prevented us from placing the rules in a comprehensive form before the House have been explained in the Statement of Objects and Reasons of the Bill.

Certain hon. Members referred to the fact that the "gods" in the Secre-

tariat—as they were styled, simply sat over the files and things were delayed. It is not true. It is a superstition, I might as well say, to believe that the gentlemen in the Secretariat sit over their files. They have more work than they can possibly do and they are working very hard. But the fact, however, is that there are "gods" not only in the Secretariat, but all over the country—in Part A States and Part B States—and we have to consult so many gods before coming to a conclusion with regard to the simplest rules. Then they have to be digested and put in the form of a Bill.

I might as well take the House into confidence in this matter. We tried to make a bigger Bill, including some of the main provisions of the rules. I felt that it would not get through in this session and that we would be left where we were. In fact this Bill would not have come up before the House but for the form in which I have presented it. Even as it is it has taken much more time than we anticipated. I am convinced that the bigger Bill could not have been prepared and passed through in this session and it would not have been proper not to pass even this skeleton Bill in this session. As soon as Parliament meets again—whether it is this Parliament or the next Parliament, which is going to have greater authority in dealing with this matter—the rules will be scrutinised by it and passed by it. Therefore, hon. Members may rest content that no wrong will be done by way of rules.

Much was said about favouritism. The hon. Member who spoke on behalf of the Scheduled Castes referred to favouritism also. But we will never be able to judge what is right if we hear only one side of a case. If a candidate before the Public Service Commission comes to an hon. Member and tells him that on account of a wrong prejudice or false pretext, or favouritism he had not been selected, I would beg of hon. Members to consider themselves as a judicial authority for the time being and not come to a conclusion without hearing the other side. Who is the other side? The Union Public Service Commission. Who are they? We have appointed them; we have selected them; they are responsible to us. They examine and report on thousands of candidates. They have no axe to grind. They cannot get themselves promoted to any office by pleasing the Government or otherwise. If I erect a pump to draw water, there is no good in my disbelieving the pump. I must work the pump. When we have appointed the Service Commission we must depend on them. We must trust them and deal with them fairly. We

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cannot depend on evidence given to hon. Members privately in their houses by a candidate and believe that what he said was truth and that the Union Service Commission was guilty of prejudice or favouritism.

In fact, I might even go to the length of saying that the Scheduled Castes are the greatest favourites of Government. There is a great deal of favouritism shown to Scheduled Caste people en masse.

Shri Sonavane (Bombay): Not in action.

Shri Rajagopalachari: If I reserve 12½ per cent. of the vacancies for you and ask you to pass an examination, what is the wrong in it? Am I to take a gentleman who has not passed the examination? There are certain basic qualifications which should always be laid down. If I can induce them, if I can persuade them, the next step which I would ask those who care for and are concerned in the welfare of the Scheduled Castes and other backward classes to take is to concentrate on their education and see that the Scheduled Castes get the opportunities for education. The few people who have been educated and who belong to the Scheduled Castes are in too great a hurry. They should first of all be thoroughly educated and not just get a smattering of education and quarrel with the rest of the country. They must satisfy the standards of education that are required for the administration of the country and they should see that their brothers and their sisters get that education. It is easy enough to provide a few Scheduled Caste people who have chance to be educated—by accident if I may say so—with jobs. It is easy enough. But that is not the matter. We must get the people to be more and more educated. If I had the whole day, I can discuss this subject at greater length and perhaps succeed in convincing hon. Members. But just now let me ask hon. Members to confine themselves to this Bill.

I have explained why the Bill is not comprehensive; I have explained why the Bill was not placed before the House earlier. As regards the point made about the old rules and the new rules, I have explained the old rules. I may mention for the information of my hon. friend Mr. Kamath that 25 per cent. of the appointments in the I.A.S. are reserved for senior officers of the Provincial Service and they are selected and placed in their proper position. There may be complaints here and there. But we have to be guided by

somebody's opinion and we have taken more or less a balanced view of the whole situation and have placed people where they should be placed and tried our best to give justice to everybody concerned, without doing injustice to the State as a whole by taking doubtful cases and putting them into the Secretariat service.

Shri Kamath: When were those instructions issued to the State Governments?

Shri Rajagopalachari: I cannot give the date. All this will come in the rules that will be placed before the House.

As for the Scheduled Castes' claims, I think I have answered straight and in full and any more information that is wanted will be given. But let hon. Members rest assured that there is no such thing as suppression of facts. The reason why the 12½ per cent. vacancies have not been filled by Scheduled Caste candidates is because sufficient number of candidates with basic qualifications are not available. If hon. Members will wait for a few years they will find that the whole of this percentage will be filled up briskly.

Then reference was made to rules regarding Foreign Service and the like. As you, Sir, pointed out, there is a specific meaning in the phrase "All-India Services". These are services which concern all the States in India and which are put on an all-India basis. We are not dealing with services with which only the Central Secretariat is concerned or services with which only the States are concerned individually. We are dealing with those services with which all the States are concerned and which have been put on an all-India basis. And that is the reason for this Bill, to cover those two services.

The Indian Police Service is slightly on a regional basis while the I.A.S. is on an all-India basis—regional to this extent that the number of vacancies are filled by the top persons coming from that Province or State so far as the Indian Police Service goes, because there is a certain local atmosphere which is wanted for them which might perhaps be dispensed with in the I.A.S.

As regards the wives let me tell the hon. Member Mr. Kamath that the wives of the Administrative Service officers also are very important in this way that any mistake or corrupt practice on the part of the wife will be attributed to the officer also according to the rules. The good behaviour of the wife is as important in the Indian Administrative Service if not more important than in the Foreign Service. There

it is on the positive side; here it is on the negative side. A wife can blast the prospects of a member of the Indian Administrative Service.

Dr. Deshmukh: As important as in the case of Ministers.

Shri Rajagopalachari: Exactly.

An Hon. Member: Or in the case of Members.

Shri Rajagopalachari: But luckily hon. Members have either no wives or their wives do not matter! Everybody's wife in this country does matter. The wife is a partner with the husband. She may not be actively serving in the place in which the husband is serving, but she is part and parcel in influencing the honour, the right conduct and his upright behaviour in all matters. Nobody can neglect the wife—nor can we neglect the husband when the wife is in the service. The two go together.

As regards questions about the Director-General, Health Services etc. perhaps those matters could be discussed when the report of the Union Public Service Commission comes up for discussion before the House. But I may tell the House that the whole thing has been fully explained in the Memorandum. It is no use picking up a sentence here or there and creating a suspicion, so to say, which cannot be debated on this Bill.

I hope hon. Members will accept this Bill and deal with the Minister of State in the manner in which they should deal with one who is fresh to his work.

Dr. Deshmukh: May I ask one question? Has the hon. Minister seen the statement of Dr. Ambedkar in which he says...

Mr. Deputy-Speaker: That was referred to by Mr. Kamath.

Shri Rajagopalachari: Sir, it is not for me, who is going away, to deal with Dr. Ambedkar's statement. I do not think that can be taken up now. I think Dr. Ambedkar has been treated very nicely by the House, the Government have treated him very nicely, and I think all the complaints made by him can be answered and satisfactorily answered.

Mr. Deputy-Speaker: The question is:

"That the Bill to regulate the recruitment and the conditions of service of persons appointed, to the All-India Services common to the

Union and the States, be taken into consideration."

The motion was adopted.

Clause 2.—(Definition)

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

clause 2 was added to the Bill.

Clause 3.—(Regulation of recruitment and conditions of service)

Shri Sarwate (Madhya Bharat): I beg to move:

In page 1, lines 14 and 15, before "during the session in which they are so laid" insert "on a motion made".

As the amendment is being accepted by the hon. the Mover of the Bill I need hardly say anything. The amendment makes clear the procedure by which the repeal or the amendment is to be made. Secondly, it takes away the restriction which had been put that the motion must be passed or the repeal must be made during the session in which it was made. It is well known that due to the exigencies of the Parliamentary agenda or for shortness of time, many a time a motion is made but it is not passed during that session. So this amendment makes it clear that if the motion is made it is quite sufficient and the matter may be taken up later on. I move the amendment and hope that it will be accepted.

An Hon. Member: Let the Minister of State reply.

Shri Sidhva: I accept the amendment.

Mr. Deputy-Speaker: The question is:

In page 1, lines 14 and 15, before "during the session in which they are so laid" insert "on a motion made".

The motion was adopted.

Prof. S. L. Saksena (Uttar Pradesh): Sir, I want to speak on it. I am very sorry that this important Bill is being rushed through in such haste. In fact, today on the agenda paper there are several other Bills and I do not know whether they will all be rushed through in the same manner.

Mr. Deputy-Speaker: There is no rushing through. Hon. Members may

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say what all they want to say instead of saying again and again that things are being rushed through.

Prof. S. L. Saksena: This Bill which proposes to regulate the recruitment and the conditions of service of persons appointed to the All-India Services says that the rules made thereunder will be laid before Parliament. I do not know when they will be laid because Parliament will not be meeting again, at least during this session. I think they will not become rules until they are so laid. Anyway I would like to make some suggestions with regard to this. First of all, recruitment to these Services is now made on the basis of open competition and there are no nominations. I am a supporter of this method. But unfortunately today the impression has gone round that nobody can succeed in getting selected unless he gets some recommendations. I want that this matter of recommendations must be made a penal offence. No person who brings a recommendation, or for whom somebody recommends, should be selected. It should be made clear to everybody that recommendations shall not help and that recommendations shall disqualify a person. Otherwise competition becomes a farce and everybody thinks "I must get a letter from a Minister, or from somebody. His recommendation will help me." For instance there are columns in the application form now in which it is mentioned that somebody should give a testimonial that the man is such and such etc.

Dr. Deshmukh: We should first control ourselves in this respect.

Prof. S. L. Saksena: Government also should see that it makes it clear to everybody that recommendation from howsoever a high person will be treated as a disqualification and therefore nobody should bring any recommendation.

The second thing I want to emphasize is the language question. You know we have passed the Constitution and we have said that Hindi shall be the national language, the language of the country within a period of fifteen years. We have also said that after five years there should be a Commission to review the progress in this direction. But I do not see any headway made so far in the matter. I want that in the rules that are made for recruitment Hindi should be made a compulsory subject. I was surprised to read an observation by the hon. the Home Minister some time back

that he would not make Hindi a compulsory subject in regard to this because it would give an advantage to persons from some Provinces and that this kind of provincial or parochial attitude is not proper. The Constitution has laid down that Hindi shall be the national language.

Shri T. N. Singh (Uttar Pradesh): You speak in Hindi.

Prof. S. L. Saksena: If all of you would follow I would have done so. But unfortunately many of our friends do not follow and so I have to speak in English.

Shri Rajagopalachari: Have you not a great provincial advantage when you speak of your own language as the national language?

Prof. S. L. Saksena: So I say that merely because some people have an advantage that should not be a matter for influencing the Government's decision. The whole question is that the people who will be recruited will serve the country for thirty years at least and these persons should not be persons without a knowledge of the national language. Hindi will be the national language and those who do not know must be given full opportunity to learn that language. When it was possible for them to learn English so easily, it should be equally possible to learn Hindi also. Merely because a few people have not learnt Hindi, we should not derive the whole country of the services of these people. I suggest that Hindi must be made a compulsory language and if possible, a fairly large number of marks must be allotted for it.

Shri Rajagopalachari: Later you will complain that the Madrasis beat you even in Hindi.

Prof. S. L. Saksena: I shall welcome that day. I shall be the happiest man that day when the Madrasis compete and beat us. I know that they can and I do wish that they do bear with us.

One complaint with regard to the Indian Civil Service is that it is neither Indian nor civil nor service. I have sometimes wondered whether you can do something to change the method or manner of their living, their dress, their seclusion and their unapproachability because these are some of the causes which make them responsible for.....

An Hon. Member: Do not regiment them.

Prof. S. L. Saksena: I wish that these things are not there but these

people should be encouraged to freely mix with the people; they should dress like the Home Minister and they should behave in a manner in which they can easily be approachable. Those who are District Officers should be encouraged to freely mix with the people and they must be made to feel that they are one of the people and the public must approach them in a similar manner and say what they feel. If this is done one complaint against the services will be removed and I hope the hon. Minister of State will kindly see that the rules are so amended so that people can mix with them freely.

At present the District Magistrate is supposed to be capable of planning all kinds of things, technical as well as non-technical. He is supposed to be the ruler of the District. I think that is not possible for one single man to be an expert in all branches. Therefore, his functions should be decentralized and those functions which can be easily given to other officers should be given to those people. He should not be made a complete ruler of the whole district. That kind of giving power to one man is not very happy and sound. I therefore, think that in making the rules all these matters should be taken into consideration. The ideal should be that the new Civil Servant and the new Police Officer should be amenable to the public and more approachable and should be such as can reasonably discharge all the duties which are expected from them. I hope these matters will be taken into consideration by the Minister when the rules are framed.

Shri R. Velayudhan (Travancore-Cochin): I only want to make a few observations regarding the remarks made by the hon. Home Minister on the representation of the Scheduled Castes in the services.

Shri Rajagopalachari: If they go back to that debate, I think it will be very difficult to go on.

Mr. Deputy-Speaker: Apart from that all that could be reasonably asked is that according to the amended Constitution a particular percentage might be reserved. That has been done. All that has to be said regarding the manner of recruitment has been answered by the hon. Minister also. The minimum qualification has to be satisfied. But let us not enter into the details as to how the Scheduled Castes have to be recruited and so on.

Shri Rajagopalachari: Apart from that, after the general debate is over, we cannot begin over again. That is the point which I want to stress.

Shri R. Velayudhan: The hon. Minister made certain remarks and I want to speak only on that. I do not want to take up the general aspect of the Bill at all.

The hon. Home Minister was taking advantage of certain facts and he wanted to give out to the world that the Scheduled Castes wanted undue representation and wanted an undue advantage because of their position in society. Let me tell you, Sir, certain facts about this particular matter of representation. In 1946 and 1947 when retrenchment was effected in the services, certain things happened in most of the Ministries about which we had made representation after representation. I do not know whether the Home Minister is aware of the fact that many circulars were issued by all Ministries and the net result was that retrenchment affected only the Scheduled Caste employees in the services and nobody else. I shall bring one particular example before the Minister.

Shri Rajagopalachari: If the hon. Member wants to refer to any phase of undue retrenchment, he should put down a question, so that information can be got; otherwise, it will be a vague and indefinite debate now on this subject.

Shri R. Velayudhan: Take for example the categorisation about which the Home Ministry has issued a circular to all the Ministries about the ratio A, B, C, and D. I would like to know who makes this categorization. The Scheduled Caste employee who is senior in the service and who has been confirmed has been put in D category so that he may have to quit the service. There are so many anomalies in the circulars of the Home Ministry regarding the representation of the Scheduled Castes. I think the hon. Home Minister may not have the time to go into this; Mr. Sidhva may be able to go into these details and render some justice to the Scheduled Caste candidates.

Rajaji made one point about the Scheduled Castes namely that they are not competent enough to compete in the examinations. I have got so many representations made about the Scheduled Caste candidates who competed in the I.A.S. Examination. In

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the written examination, they got very high marks and some of them were put into Class I but in the *viva voce* they were defeated. I do not think that in any other civilized country this *viva voce* is prevalent.....

Shri Rajagopalachari: Is this on a par with the rest of the reasons given by the hon. Member?

Shri R. Velayudhan: In England there is a psychological test; there is no *viva voce* test. Some of the members of the Commission called the candidates who got very high marks for a *viva voce* test.

Shri Rajagopalachari: If the hon. Member, for instance came as a candidate, and I interviewed him, I can size him psychologically without any test. A personal interview is the best psychological test. It is one of the many things that.....

Shri R. Velayudhan: The hon. Minister is ignorant about a psychological test.

Shri Rajagopalachari: I am not at all ignorant. The hon. Member while speaking, attaches too much importance to the mugging test and little importance to the personality test.

Shri R. Velayudhan: The personality test is itself a psychological test which cannot be done by the Members of the Union Public Service Commission. Whatever the Home Minister has stated in the House is just an excuse to evade the Scheduled Caste candidates as far as possible. Take for example this. There was a candidate who was a first class in LL.B. and I brought this matter before the Home Minister himself and his reply was that the candidate perhaps got these marks by getting some papers secretly. I was talking to the Home Minister one day about a candidate from Madras State wherefrom the Home Minister comes. In this way a lot of things are happening. When the Home Minister said that we are the most favoured of the communities in India, I think it was a story. It is only history. It is not happening in practice. How many Under Secretaries from the scheduled castes have been appointed during the last four years? Does it mean that there are no educated candidates? How many people have come with education in foreign countries and with first rank also? How many have you appointed? These are pertinent questions. I do not want any kind of

favour from you. I do not want any benevolent treatment. I want it as a matter of right because we form one of the biggest communities in India. I am certain the future is with us. We will fight for our place and we will fight successfully. For some time we may be lingering like this; but a time will come when we will be an equal community as you are.

Mr. Deputy-Speaker: Mr. Chaudhuri. Let it not be a second-reading debate. Let the hon. Member confine himself to clause 3.

Shri R. K. Chaudhuri (Assam): I will confine myself to clause 3. This is the most important clause and the whole Bill practically hinges upon this. If the rules are not properly framed, the whole object of the Bill will be frustrated and therefore, it is the duty of hon. Members of the House to indicate the line which the rules should take.

I heard with some disquite that women will also be eligible to appointment in the I.A.S. Some time ago, I think it was in the beginning of 1947 or 1948, we had the consolation to learn that for some time at least, women will not be considered eligible for the Indian Administrative Service. Now I do not know

Shri Rajagopalachari: A woman has even been appointed to the I.A.S. The hon. Member must sink in fear now.

Shri Kamath: Not from Assam, I think.

Shri R. K. Chaudhuri: If it has been, it has been wrongly done. I do not understand all these changes taking place. I do not know whether.....

Mr. Deputy-Speaker: Under the Constitution, no discrimination can be made except in regard to military service.

Shri R. K. Chaudhuri: I stand corrected. It would not be discrimination, if we consider the reasons. For certain reasons, women would not be qualified for posts in the Indian Administrative Service. I will give the reasons. I do not know whether the fact that an ardent supporter of the Hindu Code has now been transferred to the Treasury Benches is responsible for this or not. But, the fact remains that we have got. . .

Shri Rajagopalachari: The lady who was appointed to the I.A.S. was selected by a Board which went round the country; nothing to do with the Hindu Code.

Mr. Deputy-Speaker: Are we not going against the spirit and letter of the Constitution when we try to raise such points here?

Shri R. K. Chaudhuri: Could we not discriminate on the ground of sex? I would place before the hon. Home Minister certain facts on which he should come to a decision whether under these circumstances at least for some years the posts in the Indian Administrative Services should not be closed to women. For the I.A.S. you have got to have people who will be able to do not only mental work but also arduous field work, for which ordinarily women would be incompetent. They have got to do field work.

Shri Rajagopalachari: These may be points in individual assignments and the executive authority will keep them in mind. But, general rules are general.

Shri R. K. Chaudhuri: I have not made my points clear. The point is this. For instance, in the I.A.S., a woman may be appointed in the Secretariat; she may be in a District Office and the like. She would not be put to do such work as would involve physical work of that kind for which women would not be suited. That is a post to which she could be appointed and considerations pertaining to her sex will also be taken into account.

Shri Rajagopalachari: They are not matters of rules; they are matters of individual discretion.

Shri R. K. Chaudhuri: I am coming to the question of rules. Suppose the Government appoint a large number of women Secretaries, or Under Secretaries or Assistant Secretaries. I would not have any serious objection. But, suppose they are placed in charge of Districts where they have to do field work and put down riots.

Shri Rajagopalachari: Some women were in charge of whole States and they governed very well. Some women were in charge of whole regiments and they did well.

Shrimati Durgabai (Madras): I understand the hon. Member is urging against recruitment of women to the I.A.S. I would also like him to state on what grounds he wants to disqualify. Let him state the grounds clearly.

Shri Rajagopalachari: Hereafter I need not rise.

Shri R. K. Chaudhuri: I consider women are quite incompetent to do

field work, that is survey work. We must raise the age of women from 22 to 25.

Do you mean to say that a young girl of 22 years of age put down a riot, or she could go into an affray and do all that kind of work or do field work? Do you mean to say that?

Shrimati Durgabai: What is the ground of incompetency?

Shri Rajagopalachari: It is possible that sometimes a young woman of 32 may be bolder in dealing with a riot than a young gentleman of 28.

Shri R. K. Chaudhuri: That is an exception.

Shrimati Durgabai: Does the hon. Member mean that every man is competent, for instance himself?

Shri R. K. Chaudhuri: I am always at a disadvantage when she is in the House.

Shrimati Durgabai: I have put a question. Kindly answer.

Shri R. K. Chaudhuri: I am asking seriously. There is so much grievance on the part of the Scheduled Caste people; there is so much grievance from my province. How many from them have been taken into the I.A.S.? Men are considered incompetent because they have not got certain qualifications. Women are made eligible. I must say that the whole quota of men should be finished before any woman is taken into the I.A.S. They have better avocations elsewhere. Why are they coming into the I.A.S.?

Shri Rajagopalachari: I think the hon. Member is not aware of the subtle influence of women even in a riot. If a woman presents herself and says 'Down with your sticks', they will do so.

Shrimati Durgabai: She is the peace-maker.

Shri R. K. Chaudhuri: My hon. friend the Home Minister is referring to abnormal women. They may be appointed. I am speaking normally. I shall give up that point. But, I must place on record my grievance that I have not been, in circumstances over which I have no control and over which you have no control, able to speak quite freely in this matter.

Mr. Deputy-Speaker: The hon. Member will proceed to some other point.

Shri R. K. Chaudhuri: I will go to other points. A point has been raised by my hon. friend Prof. Shibban Lal Saksena that there should not be any recommendation or things of that kind. As regards the personality test, when there is a man and when there is a woman of a different kind of appearance and personality, the difference in personality is already there. It will all depend on the personnel of the Selection Board whether they will select a candidate of feminine personality or a masculine personality. What kind of personality do you require? In the case of appointment as Secretaries, they will prefer the feminine personality; in the case of officers who have to do hard work, they will select the masculine personality. I would suggest that there is every danger of a man committing a mistake and making a wrong choice. Wherever there is a question of women candidates appearing for selection, there should be a sufficient number of women in the Selection Board to decide and judge about the qualifications of women. It is only women who can have a fair judgment about women.

Shrimati Durgabai: May I inform the hon. Member that the total number of applications received was about 50 out of which only one or two were selected. Out of those selected, only one was appointed; not the rest.

Shri R. K. Chaudhuri: That shows that there is Providence above; that shows that God is still working and that this country has not been left to doom.

Shrimati Durgabai: Man makes Providence.

Shri Kamath: The Home Minister is only 'Nimitta matram'.

Shri R. K. Chaudhuri: I wish to submit two or three things. Knowledge of law ought to be made essential for all, because the I.A.S. people who are directly appointed as Magistrates have to know something about law. They make all sorts of mistakes. What happened previously was the I.C.S. people were, after a few years, taken to the judicial service. Those who were not found fit for executive work were taken to the judiciary. He had to undergo some training in legal work. We know how sometimes these I.A.S. men are found completely ignorant of the law. The hon. Minister is aware of the fact that...

Shri Rajagopalachari: The hon. Member is aware of the fact that the judicial services are not included in the I.A.S. The States have their own judicial services.

Shri R. K. Chaudhuri: Even for magistrates a knowledge of law is necessary. So also for Revenue Officers some knowledge of law is essential.

Shri Kamath:—They need not be lawyers, but must have known and studied law.

Shri R. K. Chaudhuri: In the experience and practice of law we know what blunders those young officers of the I.C.S. made. That was simply unfortunate. We should not repeat that sort of thing. In our young days, the hon. Minister and I know how these young officers behaved when they were Magistrates. So I say a knowledge of law must be made essential. And so the age limit should be raised, because the All-India Services have to do all sorts of work, magisterial, executive, etc. etc. Sir, I have done.

Khwaja Inait Ullah (Bihar): Sir, we are discussing the Bill and so we should not take up the time of the House discussing the rules that will be framed hereafter. Actually we are discussing the rules and taking up a lot of time of the House. That should be done when the rules come up for discussion.

Shri R. K. Chaudhuri: I am just making a suggestion about the rules.

Mr. Deputy-Speaker: Shri Jangde.

Prof. K. K. Bhattacharya (Uttar-Pradesh): Sir,

Mr. Deputy-Speaker: No, I cannot allow this. I have already called the name of Shri Jangde. I cannot allow the hon. Member to take possession of the House against the directions of the Chair. The hon. Member comes here now and then and as soon as he comes in, he insists on speaking. I cannot allow that.

Prof. K. K. Bhattacharya: Sir, I want to speak on this Bill as I have some experience of Universities and the boys who compete for these competitive examinations.

Mr. Deputy-Speaker: But my general policy is this. Some hon. Members come in sometime, or occasionally, and as soon as they come, they insist on their being called upon to speak. I am really sorry I cannot do that. There are several hon. Members here remaining all through the two and a half months and more

following the proceedings and studying the measures carefully. They have to be given a chance. And those who come in occasionally and then immediately want to catch my eye, I am afraid they will not catch my eye.

श्री आंगड़े : माननीय उपाध्यक्ष महोदय, मुझे आठ-इंडिया सरविसेज के सम्बन्ध में दो चार बातों का उल्लेख करना है। सबसे पहली बात मुझे यह कहनी है कि स्वराज्य मिलने के पहले आई० सी० एम० (I.C.S.) इन्तिहान लेने वालों का जो आउटलुक (outlook) होता था वह अभी भी व्यों का व्यों बना हुआ है। जो पब्लिक सरविस कमीशन (Public Service Commission) के मेम्बरान हैं और जिन के सामने उम्मीदवार को जाना पड़ता है वाइवा बोमी (viva voce) के लिए, वह उम्मीदवार की मैनुअल लेबर (manual labour) की तरफ और उस की सोशल ऐक्टिविटीज (social activities) की तरफ कोई ध्यान नहीं देते। यह उन का आउट लुक है।

दूसरी बात यह है कि वह टीम टाम चाहते हैं। इस विषय में जो आउटलुक अंग्रेजों के बक्त में था वह अब नहीं होना चाहिये। उम्मीदवार किसी भी ड्रेस में आवे, अगर उस की परसोनलिटी (personality) अच्छी है, तो उस को चुन लेना चाहिये। ड्रेस के लिये तो कोई विशेष रूलस (rules) भी नहीं हैं। न इस के लिये कोई प्रोसीड्योर (procedure) ही है। लेकिन उन लोगों के मन में अभी भी यही धारणा है कि जो उम्मीदवार टीम टाम के साथ आवे उसी को चुना जाय। अगर कोई उम्मीदवार मापूनी ड्रेस में आता है, फिर चाहे उस की परसोनलिटी अच्छी भी हो तो वह नहीं चुना जाता। अब इस धारणा को बदल देना चाहिये।

अभी हमारे गृह मंत्री जी ने कहा कि हम हरिजनों को और आदिवासियों को खास रियायतें देते हैं, वह हमारे फेवरिट (favourites) हैं। उन को वह रियायतें देते हैं जो कि दूसरी जाति वालों को नहीं देते। हम फेवरिट भले ही हों। और हमें उस का हक है, पर आप ने कहा है कि हम इन्तिहान का स्टैण्डर्ड (standard) नहीं गिराना चाहते हैं। और आपने कहा कि हम सरविसेज का स्टैण्डर्ड नहीं गिराना चाहते हैं। और ऐडमिनिस्ट्रेशन का स्टैण्डर्ड नहीं गिराना चाहते हैं। इन सब बातों से मैं भी सहमत हूँ। मैं नहीं चाहता कि आप निकम्मे आदमियों को लेकर सरविसेज का स्टैण्डर्ड गिरावें पर मैं यह कहना चाहता हूँ कि जब तक आप के पुराने क्लस बने रहेंगे तब तक चाहे दस बीस या पचास वर्ष भी बीत जायें हरिजन, आदिवासी या भूमि जन नहीं आ पायेंगे क्योंकि वह उन टेक्निकैलिटीज (technicalities) को पार नहीं कर पायेंगे। पिछली चार वर्षों की परीक्षाओं में मैंने देखा है कि केवल तीन या चार हरिजन पास हुए हैं। हर साल बालीस या पचास हरिजन और आदिवासी बैठते हैं पर एक या दो पास होते हैं। मैं यह नहीं कहता कि आप उन के लिये यह घोषित कर दें कि उन को कम नम्बरों में पास कर दिया जाय पर कुछ टेक्निकल डिफिकल्टीज ऐसी हैं जिन के कारण वह नहीं आ पाते हैं। बहुत से हरिजन और आदिवासी लिखित इन्तिहान में पास हो जाते हैं और वाइवा बोमी में भी पास हो जाते हैं पर कुछ टेक्निकल डिफिकल्टीज के कारण नहीं आ पाते क्योंकि पब्लिक सरविस कमीशन को उस मामले में डिस्क्रिशन की पावर्स (power of discretion) नहीं हैं। बहुत से हरिजन जो कि लायक हैं और जो कि सरविस में कोई इलाई नहीं आने

[श्री जांगड़े]

हैं ये इन्हीं टेक्निकल डिफिकल्टीज के कारण नहीं जा पाते हैं। उदाहरण के लिये उन से कहा जाता है कि मैट्रिकुलेशन का सर्टिफिकेट लाओ। अगर किसी स्टेट गवर्नमेन्ट आदि द्वारा सर्टिफिकेट दिया जाता है तो वह नहीं माना जाता। जब उन को इस तरह की टेक्निकल डिफिकल्टीज के कारण नहीं लिया जाता तो मैं इस को नाजायज समझता हूँ। इस तरह के रूल्स से हरिजनों और आदिवासियों को कोई फायदा नहीं हो सकता और न किसी उम्मीदवार को फायदा हो सकता है क्योंकि अगर वह लिखित इन्विज्वान में पास हो जाते हैं और बाइवा बोर्डी में भी पास हो जाते हैं फिर भी इन रूल्स के कारण सफल नहीं हो पाते।

(English translation of the above speech)

Shri Jangde (Madhya Pradesh): Sir, I am here to make a few observations with regard to the All-India Services. In the first instance I have to submit that the outlook of the examiners is the same as it was with regard to the I.C.S. examination in the days prior to India's independence. When a candidate appears before the Public Service Commission for *viva voce* test, the Board do not take into consideration either the manual labour or the social activities of the candidate. That is their outlook.

The second thing is that the Board count on outward appearance. In so far as this matter is concerned the old outlook that was kept during the British regime should certainly not continue now. In whatever dress he might be, the candidate should be selected if he has a telling personality. There are neither any rules nor any definite procedure to judge one's dress. But the Selection Board still seems to have entertained an impression that they alone should be selected who appear in tiptop dress and that those who appear otherwise should be discarded outright, howsoever good personalities they might have. It is time they changed their outlook.

The Hon. Minister of Home Affairs stated that the Government extended special concessions to the Scheduled Castes and the Scheduled Tribes and treated them as their favourites. He said that the concessions which were

extended to these classes were not available to others. Well, so far so good. The Scheduled Castes and the Scheduled Tribes do deserve to be their favourites. Then, the hon. Minister added, that they did not want to bring down the standard of the examinations or that of the services or the administration. Here I agree with him. I too do not want the standard of the services to be brought down with the recruitment of inefficient or undeserving persons. But I wish to make it quite clear that unless the old rules are abolished the Harijans or the Adibasis or the Bhoomijans will stand no chance whatsoever to enter the services even after say ten, twenty or fifty years because there are certain technical difficulties which they cannot possibly overcome under those rules. I find from the results of the examinations held during the last four years that no more than three or four Harijan candidates have passed. Forty to fifty Harijan candidates appear in the examination every year but only one or two pass. I am not suggesting that minimum pass marks be lowered in their case. What I mean to say is that on account of certain technical difficulties they are not selected. Many Harijans and Adibasis do pass in the written examination as also *viva voce* test but certain technical difficulties come in their way later on. The Public Service Commission has no discretionary power in these matters. A good number of Harijans who are quite efficient in their work and are fully capable of running the administration are not selected merely because of such technical difficulties. For instance, they are asked to submit the Matriculation Certificate. Then a certificate issued by any State Government is not recognised. So what I feel improper is that they are rejected on account of these technical flaws. Such rules, therefore, cannot do any good either to a Harijan or to an Adibasi or to any other candidate for even if he comes out successful in the written and *viva voce* tests he is not taken on account of these rules and procedure.

Prof. K. K. Bhattacharya: I have just two or three points to submit to the House. I have had experience of Universities and the students who pass through our colleges and so I come in close contact with them. I feel that Hindi should be made a compulsory subject for these All-India Services Examinations. One paper in Hindi should be there with, say 200 marks. Otherwise, apart from the fact that in most Provinces Hindi has

been adopted the Court language, the language itself would languish if you do not prescribe it for the All-India Services.

Secondly, a knowledge of law is essential and therefore a compulsory paper in law should be there for these competitive examinations with, say 100 marks or 200 marks. The exact number of marks to be prescribed as the maximum, I would leave to the authorities concerned, but the paper in law should be there as a compulsory paper. The hon. Home Minister indicated that there was no chance of the I.A.S. men becoming High Court Judges and that sort of thing. But I say the whole economic life of the people is being controlled by the State and there are so many rules and regulations which have got to be interpreted by the District Magistrates and other officers of the I.A.S. Therefore it is essential that those entering the All-India Services should have a knowledge of law. I apply the same remarks to the I.P.S. also. They need not be jurists or they need not have passed law examinations, but they should have a fairly good knowledge of law, and for this a paper in law should be made compulsory in these examinations. Sir, the Indian Civil Service was termed neither Indian, nor civil nor was it a service. Now with the attainment of independence by our country, this attitude should change. Formerly, they were detached from the people but they should now learn to be attached to the people. For this purpose, I would suggest the introduction of social service tests and this may please be given serious consideration by the hon. Minister.

11 A.M.

As regard the *viva voce* tests, the maximum of 400 or 300 marks at present allotted should be reduced to something like 200 marks. It has been the experience of those who have had to do with these examinations that those who have done very well in the written tests fail miserably in the *viva voce*. This is not to be wondered at. In our colleges there are no debating societies in which the boys could develop powers of expression and so they cannot be expected, in the fifteen or twenty minutes allowed to them at the interview to make a proper mark on the Board so as to enable the Board to evaluate their personality. It is a well known fact that when the Board of Examiners go from centre to centre the candidates purchase British and American ties and present themselves before the Board in as smart a dress as possible. I do not grudge the students dressing them-

selves as best they can. But the *viva voce* examination is carried on according to the caprice of the examiners with the result that many good boys fail to get the pass marks. The Home Minister knows that 105 out of 300 is the minimum number of marks necessary and if a candidate gets 80 per cent. in all the written papers but gets only 104 in the *viva voce* he fails. I know that very good boys who secured high marks in the U. P. Service competitive examination failed in the *viva voce* when they appeared for the I.A.S. examination. Therefore this *viva voce* is really a very great bugbear for most of our boys and I am not in favour of allotting 400 marks for *viva voce*.

Now why do I insist upon a changed outlook? Young men recruited for the I.A.S. after completing their training I find are imbued with the same spirit of aristocracy, aloofness and detachment as the former I.C.S. This outlook must be changed. (*Interruption.*) Mr. Kamath was a member of the I.C.S. and has been able to change his outlook but there are not many Kamaths in service. (*Shri R. K. Chaudhuri:* They will not remain in service.) That is why I say that only people who have undergone a course for six months in social service in a University should be eligible.

I am not in favour of opening the door to competitive examinations to all boys—first, second and third class. It is because of the door being now open that the U.P.S.C. says in their report that the standards in the Universities are very low. Last year 35 boys who passed in the I.A.S. were from one University, namely the Allahabad University. If the door is open to all the candidates you cannot expect a third class boy to get more than 20 per cent. and naturally the examiners say that the university standards are deteriorating. Therefore I submit that third class candidates should be debarred from appearing at these examinations.

As regards Mr. R. K. Chaudhuri's argument that women should be debarred from admission as candidates. I am strongly opposed to the suggestion. He has introduced the atmosphere of the Hindu Code Bill here, I am very glad to say that there is a woman civil servant in the U.P. who is rendering a very good account of herself.

Shri R. K. Chaudhuri: Is she married or unmarried?

Prof. K. K. Bhattacharya: Married.

Shri R. K. Chaudhuri: Is she given maternity leave once a year?

Prof. K. K. Bhattacharya: If I am ill I get medical leave then why should he object if women desire a similar privilege? His attitude may be all right so far as the Hindu Code is concerned but in regard to this matter I must definitely put my foot down on his suggestion that women should be ineligible for these examinations. They must stand on a level of equality. I am teaching both men and women students in a University and sometimes I find women excelling the boys in their study.

Shri Rajagopalachari: Sir, I would not raise the question if any other hon. Member were on his legs but may I submit this is a stage of the Bill when this question of law study, is totally irrelevant.

Prof. K. K. Bhattacharya: I am only making these suggestions.....

Shri Rajagopalachari: First, second and third readings cannot all be equated as one.

Prof. K. K. Bhattacharya: When making the rules the hon. Minister or the Minister of State may consider it necessary to incorporate the suggestions that we are making here.

I can tell the hon. Minister that bad results are not due to the deterioration of standards in Universities but due to the fact that students are not getting a nourishing diet. In 1936 when I joined the Allahabad University there was not a student who did not have at least half a seer of milk but today milk is such a scarce commodity that the boys do not know even its colour except as it is mixed with tea.

Shri Rajagopalachari: The University may send that answer to the U.P.S.C.

Prof. K. K. Bhattacharya: You can take me as one of the representatives of the University, which sent out the largest number of passed I.A.S. candidates into the country and you may take my suggestions for what they are worth.

Mr. Deputy-Speaker: It is no good going into matters such as dietetics.

Prof. K. K. Bhattacharya: The Prime Minister sent a questionnaire through the Education Minister of U. P. to all universities in U. P. enquiring why the standards in Universities have deteriorated. In reply the Heads of Departments of our University sent

a Memorandum in which we categorically drew attention to the fact that deterioration of the standards is due to so many factors, one of them being under-nourishment.

Mr. Deputy-Speaker: Why should we go into all that?

Prof. K. K. Bhattacharya: Therefore I want to bring to the attention of the hon. Minister that I am strongly in favour of debarring third class boys from appearing at such examinations, so that they shall not be drags upon the examiners. We want the best elements to come out and third class elements are certainly not the best.

Shri Sidhva: Sir, my friend Prof. Saksena is not in his seat; he made two good suggestions. One was that if a person recommends or uses his influence with the Service Commission in favour of a particular candidate, that should disqualify the candidate concerned. I know such a rule exists and even in advertisements also it is laid down that any candidate who canvasses recommendations will be disqualified. I can assure my friend Prof. Shibban Lal Saksena that if that rule.....

Shri Sonavane: The rule is observed in its breach

Shri Sidhva: That is a different matter. I can assure him that that rule will be strictly followed and straightaway it will be embodied in the new rules.

His second suggestion was that the outlook of the services should be changed according to the new set-up. I entirely agree with him. But I do not understand the criticisms of our friends about personality, that the Service Commission looks at the collar and tie of the candidate. I do not think that the Commission considers that as one of the qualifications and I do not know whether there is any instance where the Commission disqualified a candidate because he did not put on a hat, tie or collar. I can assure my friend that we are all anxious that the new services should be adjusted according to the new set-up and the times in which we are and that they should be efficient.

There has been much criticism as regards *viva voce* and there have been criticisms in the past also. With regard to the question of marks, some hon. Member suggested that *viva voce* should be abolished. I do not think it is wise to abolish it. As

my colleague has rightly stated and from my own personal experience I can say that a person may be very efficient in writing and be good in written papers but from the point of view of personality he may fumble when questions are put to him and such a man may not be useful in service. We want personality not in dress but in those qualities necessary for efficient discharge of duties, when he is placed in a responsible position in the services. Therefore there must be some process, some kind of test of personality and from this point of view *viva voce* is certainly necessary. As regards marks, my hon. colleague, in reply to a question before, has already told the House that this question is under consideration.

Prof. K. K. Bhattacharya: What about exclusion of third-divisioners from sitting for examination?

Shri Sidhva: As regards the Scheduled Castes and Scheduled Tribes, my colleague has sufficiently dealt with that question. I can assure my friends that we shall certainly take into consideration their interests. The percentage which has been reserved for them will be strictly followed, but we must also remember that we want to have the best and most efficient services; then the requisite qualification and competence are necessary; if those are forthcoming, I can assure my friends, particularly the Scheduled Caste Members, that Government will see that no departure is made from the reserved number of seats. . .

Shri Sonavane: What about filling the seats?

Shri Sidhva: I would ask my friend to cite any instance where candidates with the required qualifications and competence were forthcoming and the Government did not fill the seats.

Shri Sonavane: And who is to judge?

Shri Sidhva: The judge is the Public Service Commission. You cannot be the judge—the Public Service Commission alone can be the judge. If you feel it has done any wrong, you have ample opportunity to ventilate your grievances in this House.

Shri Rathnaswamy: I would like to know from the hon. Minister how it is possible for the Service Commission, within a couple of minutes, to measure the personality of the candidate.

Mr. Deputy-Speaker: We are not going to discuss that now. Wherever any *viva voce* or personal examina-

tion is held the same objection can be raised.

The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended was added to the Bill.

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

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

Shri Sidhva: I beg to move:

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

Mr. Deputy-Speaker: Motion moved:

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

Pandit Thakur Das Bhargava (Punjab): Sir, we have much work before us and I do not want to take the time of the House at the third reading, but all the same with your permission I want to make one observation. When notice of a half-hour discussion in regard to the I.A.S. examination was given by Seth Govind Das, I had occasion to go into certain matters connected with that question. I was shown a list of candidates who had taken the *viva voce* test, and I found from a perusal of that list that not one, but a very large number of students who had obtained very good marks in their written examinations had got very poor marks in the *viva voce* test. One got 15 out of 200 in his *viva voce* test whereas he had obtained very high marks in the written examination. This is not a solitary case—if it had been, then I would have agreed with the remark made by Mr. Sidhva that after all personality is very essential in a District Officer. Often erudite may not possess a fair personality. If, on the other hand, in a very large number of cases persons who fared well so far as the written test was concerned, got very poor marks in the *viva voce* test, then there is room for examining why it has happened so in many cases. Before 1946 candidates got very good marks in *viva voce* also, but since 1947, the fact is—I do not know why, and I do not want to have a dig at the Public Service Commission or anybody else unless I know the reason—that a very large number fare very badly in the *viva voce* test.

On the other hand, I found from the same list that some candidates

(Pandit Thakur Das Bhargava)

were given 109 marks out of 200 in the *viva voce*. I found a large number of people were given this number to make up the full number of marks required. When I examined their number of marks in the written examination I was astonished to find that many of them who got 109 in the *viva voce* got very few marks in their written examination. This question needs to be looked into. I would not go into the general question of the All-India Services—that has already been dealt with by other friends—but I would respectfully ask the Home Minister, or the Minister of State to go into this question which I have raised and find out what is wrong with this *viva voce* examination. I am not inclined to believe that of late there has been such a deterioration in the standard of intelligence of the candidates that such drastic marking may be justified. I agree that we should take every step to improve the standard, but at the same time, after examining the entire question and after going through this list, I have come to the conclusion that the whole matter requires scrutiny and must be looked into.

बौधरी रमबीर सिंह (पंजाब) : उपाध्यक्ष महोदय, मैं इस सिलसिले में एक निवेदन करना चाहता हूँ। वह यह है कि जहाँ तक वाइवा वोमी (*Viva voce*) का शिक है कई सज्जन बहुत अच्छे लिखारी हो सकते हैं और वह लिखारी होने के नाते ज्यादा अच्छे नम्बर हासिल कर सकते हैं। लेकिन अगर वह पुलिस का अफसर बनता है तो अच्छा लिखारी होने से ही वह एक कामयाब अफसर साबित नहीं हो सकता, क्योंकि पुलिस के अन्दर आदमी को कई बफा केवल लिखकर ही जवाब नहीं देना पड़ता है, बल्कि गोली के जवाब में भी हिम्मत दिखानी पड़ती है। इसी तरह से एड-मिनिस्ट्रेटिव सरविस (*Administrative service*) का भी जहाँ तक वास्ता है, पहले एक जमाना था, एक समय था, जब कि आराम से बैठ कर आदमी काइलों पर पढ़कर अपने हुकम सादिर करमाया करते थे, जब, जैसा कि हम ने

सन् १९४७ के अन्दर देखा, वह अफसर जिन के अन्दर कुछ हिम्मत थी, और जो मेरे खयाल में कोई अच्छे लिखारी नहीं थे, वही ज्यादा अच्छे ढंग से कामयाब साबित हुए। इसलिये सिर्फ यह मान लेना कि लिखारी होना या किसी लिखित इम्तिहान में अच्छे नम्बर पा लेना ही कोई योग्यता है, मैं समझता हूँ कि यह खयाल दुस्त नहीं है। इस के अलावा बहुत सी और बातें भी हैं। जैसे कि हमारे समाज के अन्दर एक बच्चा है जो अच्छे खानदान में, बहुत खाते पीछे खानदान में, पैदा होता है, बचपन से ही वह अपने घर में टेलीफोन देखता है, रेडियो सुनता है। इस के बरअक्स दूसरा बच्चा है, उस को वह सहूलतें नहीं हैं तो उसकी तरबिअत पहले बचने के मुताबिक नहीं हो सकती। और अगर उन पिछड़े हुए बच्चे को यह समझ कर कि रिटन एग्जामिनेशन (*Written Examination*) में वह उस स्टैंडर्ड (*Standard*) तक नहीं आये तो मैं नहीं समझता कि उन के साथ आप न्याय करेंगे। यह इसलिये कि अगर सब को एक सी फॅसिलिटीज़ (*facilities*) मिलतीं और उस के बाद वह कुछ कमजोर रहते तब तो हम इस बात को समझ सकते थे कि किसी के साथ कुछ रियायत कर की जरूरत नहीं है। एक तो समाज ने उन को पहले ही रियायत दी है कि वह ऐसी हालत में पलते हैं कि उन के सामने अखबार, रेडियो, टेलीफोन, सब तरह की फॅसिलिटीज़ बचपन में मौजूद हैं। इसलिये उन की तरबिअत ऐसी होती है कि वह औरों के मुकाबले में जीत सकते हैं। तो इस तरह एक रियायत तो पहले ही उन को समाज ने दी है, फिर दूसरे यह रियायत भी आप दें कि जो लिखारी हों वही अच्छे कामयाब हों यह मेरी समझ में दुस्त नहीं है। हन यह आप से कोई रियायत नहीं मांगते हैं।

इस के अलावा, जैसा मैं ने आप को बतलाया, एक कामयाब अफसर साबित होने के लिये लिखारी होना ही काफी नहीं है। उस के अन्दर हिम्मत और भागने दौड़ने की शक्ति की भी जरूरत है।

श्री कामत : भागने की ?

श्रीचरी रनबीर सिंह : जी हाँ, भागने दौड़ने की। फर्ज कीजिये कि एक पुलिस का अफसर है वह एक फरार का पीछा कर रहा है और रास्ते में उस की गाड़ी फेल हो गई है तो वहाँ उस को भागने की जरूरत है। तो जो अफसर भाग सकता है, गोली अच्छी तरह चला सकता है, और उसका मुकाबला कर सकता है, वह ज्यादा अच्छा अफसर साबित होगा। अगर कोई फाइलों पर अच्छा लिख सकता है, वह अच्छा लिखारी है, तो यहाँ पर ऐसा आदमी अच्छा साबित नहीं हो सकता, उस की यहाँ कोई जरूरत नहीं है और उस से कोई फायदा नहीं होगा।

मैं एक बात और अर्ज करना चाहता हूँ। आप जरा देखिये और यहाँ की बजारत को लीजिये या सूबों की बजारत को लीजिए। बज्जियों की तनस्वाहें सूबों के अन्दर तो बड़े हज़ार ही हैं और यहाँ ढाई हज़ार या साढ़े तीन हज़ार है। लेकिन उन के सेक्रेटरीज की तनस्वाह कहीं पांच हज़ार है, कहीं चार हज़ार है, कहीं तीन हज़ार है, मिनिस्ट्रों से उन की बड़ी और दुगुनी तक तनस्वाहें हैं। तो पहले के जो आई. सी. एस. (I. C. S.) अफसरान हैं, उन की तनस्वाह तो हम कम नहीं कर सकते, क्योंकि कांस्टिट्यूशन के अन्दर हम ने इस का सेफार्ड (Safeguard) दे दिया है। लेकिन बदकिस्मता है कि बावजूद इस के कि हम अपनी मरविसेज द्वारा आरगेनाइज (Organise) कर

रहे हैं, फिर भी उन की तनस्वाहों के बारे में कुछ नहीं कर रहे हैं। जो फाइलों के अन्दर नोट पुट अप (Put up) करने वाला है, उस का नज़रिया, उस का स्टैंडर्ड आफ लिविंग (Standard of living), एक ऊँचे इंग का स्टैंडर्ड है, और वह इस बात को भूल जाता है कि यह देश एक शरीबों का देश है और इस के अन्दर बड़ी बड़ी तनस्वाहों वाले और इतने ऊँचे काडर (cadre) वाले लोग बहुत हद तक इस देश में रखना देश के लिये फायदेमन्द नहीं होगा। इसलिये मेरा यह निवेदन है कि अब जो तनस्वाहें मुकर्रर हुई हैं, वह हालांकि पहले के मुकाबले में कम जरूर हैं, लेकिन अगर उन का मुकाबला मिनिस्ट्रों की तनस्वाहों से किया जाय, जैसे कि कैप्टिन अबधेश प्रताप सिंह साहब ने कहा था कि वहाँ का चीफ मिनिस्टर तो ५०० रुपये तनस्वाह लेता था और सेक्रेटरी की ढाई या तीन हज़ार तनस्वाह थी, तो इन अफसरों की तनस्वाह बहुत ज्यादा है। फिर यही बात नहीं है। मिनिस्टर कोई चार साल या पांच साल रहे, इस की भी कोई गारंटी नहीं है। वह अफसर तो पेंशन भी लेते हैं, उन के लिये तो सराविस की भी गारंटी है और पेन्शन की भी गारंटी है। मिनिस्ट्रों वगैरह के लिये तो पांच साल की मेम्बर भी काफी मंहगी है। पच्चीस हज़ार रुपये यहाँ पार्लियामेन्ट के लिये जायज एक्सपेंसेज (expenses) माने गये हैं। तो इस हाउस का जो मेम्बर बन कर आवेगा तो पहले वह पच्चीस हज़ार रुपये खर्च कर के आवेगा और दूसरे हाउसों में भी कहीं छः हज़ार और कहीं आठ हज़ार रुपये खर्च कर के आवेगा। फिर पांच साल के बाद दूसरा चुनाव होगा तो उस वक्त भी उस के लिये मुश्किल होगी क्योंकि फिर उस की वह रुपया खर्च करना है। व जिन बातों के बावजूद भी मिनिस्टर की तनस्वाहें

[चौधरी रनबीर सिंह]

वो षेड हजार हो, और सेक्रेटरी की तनख्वाह तीन हजार हो, और पांच हजार हो जिस के लिये कि सरविस की गारंटी है, पेन्शन की गारंटी है यह मेरे ब्याल में जैसी कि हमारे समाज की हालत है, मुनासब नहीं है। इसलिये जो क्लस बनाये जायें उस में इसका ध्यान रखा जाये। और स्केल्स (scales) इतने ज्यादा नहीं होने चाहियें जो कि देश के स्टैंडर्ड के हिसाब से बहुत ज्यादा ऊंचे हों।

(English translation of the above speech)

Ch. Ranbir Singh (Punjab): Sir, I want to submit one thing in this connection. It is that so far as viva voce is concerned, some people being very good at writing, can obtain better marks than others. But if such a person enters the Police Service, he may not prove to be a good officer simply because he is a good writer, because in the Police Service, one has not only to write notes, but also to prove one's mettle in replying to bullets. Similarly, as regards the Administrative Service, there was a time when its members, sitting in comfort, used to pass orders on files after studying them. Now, as we saw in 1947, those officers who had some courage, and who, in my opinion, were not very good as writers, proved more successful. Therefore, I do not believe that to be a good writer and obtain good marks in a written examination are the only qualifications. There are many other things besides. Just consider the case of a child who is born in a respectable and prosperous family. From his childhood he is accustomed to the use of telephone and radio in his home. As compared to him, there is another child who does not enjoy these facilities. His bringing up cannot be on the same lines as that of the former child. I do not think you would do justice to such backward children if they do not come up to the required standard in the written examination. If all the children had enjoyed the same facilities, then not granting any concessions to the weaker ones among them would have been understandable. To the former class of children, the society has already given a concession as they are brought up in an atmosphere in which they enjoy the facilities of newspapers, radio and telephone etc. in their childhood. I do not think it to

be proper that in the presence of this vital concession given by society, another concession, that those who prove to be good writers shall be deemed successful, should be given by you. We do not want any such concession. Besides this, as I have just submitted, it is not enough to be a writer in order to prove a successful officer. That requires courage and agility.

Shri Kamath: Agility?

Ch. Ranbir Singh: Yes, agility. Suppose there is a police officer who is chasing an absconder. Supposing his vehicle has failed, he will have to carry on the chase on foot. So an officer who can run swiftly, fire accurately and face the absconder, will prove to be a more successful officer. An officer who can write good notes on files cannot succeed here. He is not needed and he will be of no use in such a situation.

I would like to submit one thing more. Just look at the Ministers, at the Centre or in the States. In the States the Ministers get a salary of Rs. 1,500 and at the Centre they get a salary of Rs. 2,500 or Rs. 3,500. But the salaries of their Secretaries are Rs. 5,000 at some places and Rs. 4,000 or Rs. 3,000 at other places, i.e., they get $1\frac{1}{2}$ times or twice as much as the Ministers. We cannot reduce the salaries of the old I.C.S. officers, as we have provided a safeguard for them in the Constitution. But the misfortune is that in spite of the fact that we are reorganizing our Services again, we are not touching their salaries. The viewpoint and the standard of living of persons who put up notes in the files is high. They forget that this is a land of the poor and that to employ persons belonging to such a high cadre and drawing such fat salaries is not in the interests of the country. Therefore, my submission is that the salaries (of officers) now fixed, though they are lesser than those prevailing before, if compared to the salaries of Ministers, will be found to be excessive. Capt. Awadesh Pratap Singh illustrated this point. He said that the Chief Minister of his place drew a salary of Rs. 500 only while the Secretary drew Rs. 2,500 or Rs. 3,000. Then there is another point. Ministers hold office for a period of 4 or 5 years, for which too there is no guarantee. The officers, on the other hand, have guarantees of service and pension. Even membership for 5 years is very costly for the Ministers etc. For membership of Parliament, Rs. 25,000 have been fixed as legitimate expenses, so a member who wants to enter this House will first have to spend an amount of

Rs. 25,000. For membership of other Houses, candidates will have to spend Rs. 6,000 or Rs. 8,000. If they stand for the next elections after 5 years, they will have to spend a like amount over again. In these circumstances, keeping in view the present state of our society, I do not think it proper that the Ministers' salary should be Rs. 1,500 while the salaries of their Secretaries, who enjoy guarantees of service and pension, should be Rs. 5,000 or Rs. 3,000. Therefore care should be taken in the framing of the rules that the scales are not so high as to seem excessive when compared with the standard prevailing in the country.

Shri Shiv Charan Lal: I would just like to point out two things about the selection of candidates for these higher posts. One is about the mentality of the officers that were appointed formerly and the officers that are appointed now. During the British regime, these I.C.S. officers were appointed to rule the country. They were appointed with the mentality that they should know how to rule the country, how to keep India in bondage. But the mentality now ought to be how to serve the country, how to be the country's best servants, how to give the best possible comfort to the public and not how to rule over them. We find that not only the mentality of the old I.C.S. people but even the mentality of the new appointees, the new I.A.S. men, has not changed. It is the same mentality. We do not find any difference. The same old Public Service Commission select these young I.A.S. people. They make no difference whatsoever in the criteria which they apply for selection, which are as before. I therefore appeal to the Minister of State, who until the other day was sitting with us, to take up this cause and see that the rules are so framed that the new appointees are selected with the idea to serve and not with the idea to rule.

The other point is this. Allahabad is a centre for recruitment where the Public Service Commission sits. I have seen how the selection is made. Nobody can say that the selection is made properly anywhere. There are hundreds and thousands of candidates and the Public Service Commission members try to examine them, devoting about two minutes to each candidate. During this short time, they try to form an idea of that man. You might say that it will be very expensive if you have more members or if you ask them to devote more time to each candidate. It may be expensive, but if you want to select people who will be the chief hand in the Government for at least

twenty-five or thirty years, you must give sufficient time to see that the men selected are rightly selected men.

For this purpose, I would make two suggestions. One is that along with the Public Service Commission members you should put an equal number—if not double even—of men from the Department for which the selection is being made. You should also give more time. It does not matter whether the Public Service Commission has to sit occasionally or all the year round. The expense and the time are immaterial. If there are more people on the Selection Boards, there is less chance of some people on the Boards being influenced from outside. I do not mean that they are at present influenced. I do not suggest that, but in order to avoid any risk it will be certainly very good if you put more men on the Selection Boards and also men from the same Department, because you cannot expect all the Public Service Commission members to possess experience of all the lines. They have to make selections for all the lines, but you cannot certainly say that they have experience of all the lines. There is another thing also. We find that sometimes all the members of the Public Service Commission are servicemen. There are very few Selection Boards where you find people drawn from among public workers. I am sorry to say that Government have totally ignored this point. Everywhere, they have put men in charge of the Public Service Commission and the Selection Boards who have never known what public work is, or what public service is. How can you expect them to select people who will not only do Government work but also do that work in a service spirit? Therefore, while appointing Public Service Commission members, Government should take into consideration this fact also and put in as members of the Public Service Commission highly placed public workers whose integrity is above board and who will in no way lay behind the servicemen. At least, such people should be associated and put in at the time of selection, if not permanently, and they should be given more time. That is my suggestion.

Pandit Krishna Chandra Sharma (Uttar Pradesh): I want to draw your kind attention to two major facts. One is this. Much has been said that a certain section should have the minimum number of candidates in the service and that section has been neglected. My viewpoint is that the State should be the first consideration in the selection of candidates. The administration must be manned by the

[Pandit Krishna Chandra Sharma]

best available material. Public Services should not be regarded as a means of living but rather as a means of service. The days of positional attitude, the days of getting employment, have gone and the days of functional attitude, the days of hard working, the days of giving one's best to the nation, have come in and the old attitude must be given up once and for all. Therefore, to say that this class of people must come in or that class of people must come in is altogether irrelevant. Of course, opportunities to all sorts of people should be open but competency, efficiency, a good and decent standard of qualifications—these must be adhered to. As hon. Members know the material that offers itself for recruitment to our Administrative Services is not regarded as very satisfactory. So far as their academic qualification is concerned, we get first-class graduates. They know a lot of things, but from the point of view of character and social habits much more is to be desired of them. If only you were to visit the Administrative Training School—I have gone there many a time—you will be surprised to find that many of the candidates do not know anything about our rural conditions: some of them have not even seen villages. They do not know anything about our village life. Unless you know the customs and habits of a person or a community, or a class of persons, you cannot have much sympathy for them. The class of people who have no knowledge of village conditions, cannot be expected to have much sympathy for them. If sympathy is lacking, it follows that good administration would be lacking. I know of a case, where I had occasion to appear, in which it took two hours for a District Judge to understand what a Dhab is. It is a low land where water has accumulated and which is resorted to by villagers for easing themselves. But, surprisingly, it took two hours for that high officer to know what it is. He could not understand that if within an area of three square miles nine murders are committed, one man could have done it, or a hoard of men would have been responsible for it. For want of knowledge of these elementary things, justice was ultimately not done. Want of background, is in some cases, responsible for the inability to appreciate or understand evidence in cases.

In some cases, though not in all, what exists at present is what we call a 'blind man's rod'—a rod being wielded by a blind man, not for beating the guilty, but anybody who comes within the pith of that rod. What I

wish to point out is that before the young men are taken in for public administration, they must at least have one year's experience of rural areas. They will then know the country, the common people and develop a sympathy for them.

Another unfortunate feature of our selection is that too much emphasis is laid on intellectual attainments instead of on character and social habits. What is much more necessary than intellectual attainments is a certain type of courage to meet a situation. A courageous man is always an honest man. It is only a coward that is dishonest. It is much better to have an honest second-rate man rather than a dishonest first-class intellectual. He must have social habits. He can have that only by going to the people, having experience of the village and appreciating their social life.

The last point on which I want to lay emphasis is proper training. Whatever may be the material by proper training a shape can be given to it. You can make a first rate administrator of a second grade man by proper training. But unfortunately our Administrative Training School imparts training only for six months. I would respectfully submit that this period is too short. The period should be extended to two or three years. A first-class administrator should be appointed as Principal and also the staff should be well chosen. The office of the Principal should be a whole-time job. At present a Joint or Deputy Secretary is the part-time Principal of the School, with the result that he has no time to attend to the work of the Principal. I do not mean to say that the present staff are not doing their best. They are doing their best to get the students trained. But the staff should be whole-time employees and more care should be taken in their selection.

Shri Sidhva: I am thankful to the various hon. Members for the very valuable suggestions they have made. I shall bear them in mind and incorporate them in the rules, wherever possible.

Regarding criticism of the *viva voce*, I only want to inform the House that I am told that the *viva voce* Board do not know before the interview the marks obtained by a candidate in the written tests. Therefore, the Board keeps an open mind and examines the personality, the mental capacity and the alertness of the candidate. Of course, the suggestions made by hon. Members will certainly be taken not

of and any improvement that is necessary in the present system will be made.

As regards the necessity to bring about a change in the out-look of the candidates, I entirely agree with that suggestion. Government naturally attach great importance to this and if there is any deficiency in this respect, I may assure the House that that will be the first point which will engage my attention. I may speak from my personal experience that so far as the Parliament Secretariat is concerned, there is already a new out-look. I am sure the other Departments will follow this example.

As regards my hon. friend Pandit Sharma's suggestion regarding the Administrative Training School, I have already told the Secretary that I would like to visit the School. I know that the present arrangement of a Joint Secretary working as a part-time Principal of the School is not very satisfactory. I shall certainly consider the necessity of appointing a whole-time officer as Principal of the School. I may in this connection assure the House that the question of finance will not stand in our way. If it is a question of improvement of efficiency of the services, I am sure Government will not lag behind in providing the funds.

Shri Kamath: If I may say so with all respect to the Home Minister, the hon. Shri Rajagopalachari, I think the House will slightly regret that the Minister of State for Home Affairs, my hon. friend Mr. Sidhva, has not had the opportunity of piloting his maiden Bill himself from start to finish in this House.

Dr. K. V. Thakkar (Saurashtra): A few young men who were plucked in the I.A.S. Examination have informed me that they had done very well in the written examination, but when they appeared for the *viva voce* they got very few marks. The reason was that certain candidates who had been recommended from high quarters had to be accommodated.

Mr. Deputy-Speaker: That is the same point that has been raised. Any individual case should be brought to the notice of the Minister and not raised on the floor of the House.

Shri Rajagopalachari: The hon. Member should not accept a one-sided story so easily.

Mr. Deputy-Speaker: Any plucked candidate will always make a complaint. It may be true or may not be true. So far as individual cases are

concerned they must be brought to the notice of the Minister. So far as the general considerations are concerned—the *viva voce*, what marks should be allotted for it, what percentage etc.—the hon. Minister has said he will look into the matter and consider it deeply.

The question is:

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

The motion was adopted.

PART C STATES (MISCELLANEOUS LAWS) REPEALING BILL

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

“That the Bill to repeal certain laws in force in certain Part C States, be taken into consideration.”

This is a very simple Bill and we should not take more than five minutes over this.

The Bill has been rendered necessary by a judgment of the Supreme Court which held that a certain provision made in the Part C States Bill which Parliament passed into law last year is *ultra vires* of the powers of Parliament. Under section 2 of that Act the Central Government has power to extend any law in force in a Part A State to a Part C State, and in doing so it has the power to make modifications and additions to that particular law. There is also a provision which says that the enactment so extended in a modified form might also provide for the repeal or modification of any corresponding law in force in the Part C State.

It is as a result of this provision in that Act that notifications have been issued in certain Part C States for extensions of certain laws of Part A States, and also providing that any corresponding law in force in the Part C States would stand repealed. If we left things alone after this judgment it would mean that in spite of the extension of a law from a Part A State to a Part C State there will be another law on the same subject in force in the Part C State. That creates both chaos and confusion.

This Bill has listed a number of those States where this unfortunate development has happened as a result of the Supreme Court judgment. Clause 2 of the Bill repeals the corresponding laws which are now in force in Part C States as a result of the judgment.

[Shri Gopaldaswami]

They are all put into a Schedule and it is proposed to repeal them all so that the laws of Part A States extended to the Part C States may have full effect in those States.

I have really nothing more to say except to refer to clause 3 which provides for the necessary savings. Acts and other proceedings taken under the law already in force are saved to the extent that they have to be saved. That is a mere consequential provision.

Mr. Deputy-Speaker: I will put the question straightway to the House. The question is:

"That the Bill to repeal certain laws in force in certain Part C States, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: There are no amendments to any of these clauses. The question is

"That clauses 1 to 3 and the Schedule stand part of the Bill."

The motion was adopted.

Clauses 1 to 3 and the Schedule were added to the Bill.

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

Shri Gopaldaswami: I beg to move: "That the Bill be passed."

Mr. Deputy-Speaker: The question is: "That the Bill be passed."

The motion was adopted.

REPRESENTATION OF THE PEOPLE (SECOND AMENDMENT) BILL

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

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, be taken into consideration."

Sir, the House is aware that under the Constitution the tribal areas which are specified in Part B of the Table appended to paragraph 20 of the Sixth Schedule thereto are comprised within the State of Assam. But so far as their administration is concerned, it is carried on by the President through the Governor of Assam as an agent on the same footing as a territory specified in Part D of the First Schedule. Just as the President is in charge of the administration of the Andaman and Nicobar Islands and the actual administration is carried on

through the agency of the Chief Commissioner, here also the position is similar to that. These areas have accordingly been taken out of the purview of clause (1) of article 81 and article 170 of the Constitution so far as Assam is concerned by the Constitution (Removal of Difficulties) Order No. VIII made by the President under article 392 of the Constitution: which means that those provisions which govern the representation of the people of Assam so far as the House of the People is concerned do not apply. Clause (2) of article 81 and article 82 of the Constitution were also amended by the said Order so as to confer this power on Parliament to provide for the representation of those areas in the House of the People.

There has been no provision in the Representation of the People Act, 1950 for the representation of these areas in the House of the People. Therefore clauses 2 to 5 of this Bill make that provision. Then, clause 8 of the Bill seeks to make a consequential amendment in section 4 of the Representation of the People Act, 1951.

In short, this part of the Bill provides that there should be one representative of these areas the population of which has been calculated to be roughly about six lakhs, and that representative will be nominated by the President under the rules framed under article 379 of the Constitution.

The second part of the Bill, namely clauses 6 and 7, seek to correct certain minor mistakes in the list of Scheduled Castes in Himachal Pradesh and in the list of Scheduled Tribes in Vindhya Pradesh contained respectively in the Sixth and Seventh Schedules to the Representation of the People Act, 1950. This is not very important. Opportunity has also been taken to make certain amendments in section 39(2) and 58 of the Representation of the People Act, 1951.

Section 39(2) provides:

"As soon as the notification calling upon the elected members of the Legislative Assembly of a State or the members of the electoral college for a Part C State or group of such States or the elected members of the Coorg Legislative Council to elect a member or members is issued under this Act, the appropriate authority in the case where such notification has been issued under section 12 or section 18, and the Election Commission in the case where such notification has been

issued under section 147 or section 151, shall, by notification in the Official Gazette, appoint for such election..."

There is a lacuna because under section 52 there may be several possibilities where a notification other than under sections 12 and 18 may become necessary. One of the possibilities as contemplated in section 52 is "if a candidate who has been duly nominated under this Act dies after the date fixed for the scrutiny of nominations and a report of his death is received by the Returning Officer before the commencement of the poll, the Returning Officer shall..." There is another possibility where the number of duly nominated candidates may be less than the actual number of seats in which case section 53 provides that those whose nomination papers have been held to be valid, will be declared but there will be a notification calling upon the constituency to fill the remaining vacancies. Therefore, this lacuna is sought to be made good in this Bill and clause 9 which amends sub-section (2) of section 39 of the said Act seeks to supply an omission in the said sub-section. The last part of this Bill deals with a situation in which in a polling station some trouble has taken place and the boxes have been tampered with or some such thing has happened.

What section 58 says is:

"If at any election any ballot box or boxes is or are unlawfully taken out of the custody of the Returning Officer or of any presiding officer, or is or are in any way tampered with, or is or are either accidentally or intentionally destroyed or lost, the election to which such ballot box or boxes relate shall be void, but only in respect of the polling at the polling station or stations provided under section 25 or the place fixed under sub-section (1) of section 29 for the poll, as the case may be, at which such ballot box or boxes was or were used and no further."

What the section contemplates is that fresh elections will take place in respect of that polling station. What is suggested here is that it may be possible that within one polling station there may be several booths, for example, as it is understood to be the case that about 1,000 voters will be in a place or will be covered by one polling station. It may be that Nos. 1 to 250 will be asked to vote in one booth, another batch in another booth and so on. But if it is found that in one particular booth, the box or boxes have been tampered with, then fresh elec-

tion must be confined to that booth and not to the entire polling station. That is the amendment that is proposed to be moved and that, Sir, is the substance of this Bill. I do not think there is anything controversial in this Bill and I hope the House will agree to the motion which I have just made.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, be taken into consideration."

Shri Kamath (Madhya Pradesh): Sir, while welcoming the particular Bill, I would like to point out certain other contingencies that might arise besides the one to which the hon. Minister has adverted, namely, the tampering with the ballot boxes. Apart from the complaint received in this regard, to which he made a reference, there have been also complaints or grievances with regard to certain other matters that were brought to the notice of certain people during the elections that were held in the City itself last week or a week before that. Several statements and complaints were made in the papers and out of them, I refer to only one which may happen during the General Elections also, which is near at hand. One irregularity or, I may say, even a corrupt practice which was observed was that a voter who goes inside with the ballot paper in his hand could not be observed by the officer present as to whether he has cast his vote or not.

(SHRIMATI DURGABAI in the Chair)

It was reported here in Delhi that at one polling booth—at least one if not more than one—it was so managed by one of the parties that the voter who had been given the voting papers, went inside the enclosure, but he did not put the ballot paper inside any of the boxes, but came out of the enclosure of the polling booth and sold that voting paper or transferred it for a consideration to an agent or to some other person or even one of the candidates. It was alleged that in some cases or in many cases these ballot papers were sold to persons, and in many cases they were paid handsome sums also, and the person who went in later to vote, who took his own papers, took all these papers with him and put those papers inside the box along with his own. Besides tampering with the boxes this is also a contingency that may arise in connection with the polling during the elections. I want to know whether Government has given thought to this matter also, during the framing of the rules under the Act,

[Shri Kamath]

and particularly now that the amendment is being piloted by the Minister of Works, Production and Supply on behalf of the Law Minister.....

An Hon. Member: Raw Minister.

Shri Kamath: He is raw to the Law Portfolio. I suppose he has been a lawyer a good bit of his life and so he is not new to law as such, as he is raw to the Law Portfolio. Therefore, I would ask the hon. Minister to throw some light on this particular aspect of the matter as to what Government propose to do to obviate any such difficulty, and to see that no such corrupt practices are indulged in during the actual polling in the General Elections.

Dr. Deshmukh (Madhya Pradesh): Since the amendment of this Act has been taken up, I would like to draw the attention of the hon. Minister in charge to the havoc that is going to be caused as a consequence of Dr. Ambedkar's insistence that a *patil* or a *patel* of a village should be treated as a Government servant. I had tried

12 Noon
to persuade him last time; but we were in such a great hurry to pass the Act that the hon. Minister Dr. Ambedkar was not prepared to listen. I am very glad that we have now this Bill being piloted by an hon. Member of this House and a Minister who knows the situation a little more intimately than probably even Dr. Ambedkar did. I have also given notice of an amending Bill so far as this matter is concerned. I would beg of the hon. Minister to wait till tomorrow and include in this Bill the amendment of that clause which I have also proposed. All that is necessary is to omit the word 'patel' from the list because there were many who were *lambardars*.....

Shri J. R. Kapoor (Uttar Pradesh): Notice of an amending Bill?

Dr. Deshmukh: Yes.

Mr. Chairman: Is it the same question which was ultimately lost in the previous session?

Dr. Deshmukh: It does not matter.

Mr. Chairman: How can the hon. Member try to bring it in this Bill?

Dr. Deshmukh: I am only suggesting that, since we are taking up an amendment of the Representation of the People Act, it will be very desirable and necessary.

The need for that amendment becomes all the greater because in the Central Provinces, the Hindi portion, where the *malguzari* system has been abolished, the Government has instituted the offices of elected *patels*. They

will be getting some remuneration at the end of the year. I do not however think that it is the intention or it has been provided in the Bill that these elected *patels* will be whole-time servants. If the word *patel* or *patil* remains as it is in the Act, it will constitute a major corrupt practice. Even if anybody wants to make mischief and brings forward one *patel* to say that he has canvassed through ignorance or mistake, and that is admitted as a fact, the whole election is liable to be set aside. All those persons who know about the situation are awfully concerned about it. I am sure if the Madhya Pradesh Government were consulted, they will whole-heartedly support the amendment that I am proposing. I hope that the hon. Minister will be pleased to accept my suggestion because it would not take more than a couple of minutes and if we postpone this till tomorrow no harm would be done to anybody. This is a matter of very vital importance which will affect the whole of Bombay Presidency because there are *patels* or *potils* in Maharashtra also. There are similar office-holders in Hyderabad as well as in the Central Provinces. I would beg of him to accept this amendment.

The other amendment that I have suggested is about the distribution of votes. Wherever there are reserved constituencies, every voter will have two votes. According to the provision, as it exists today, the two votes can be cast separately for the reserved seat as well as for the general seat. The possibility is that both the votes can be cast for two candidates from the same community. That is to say, if A and B stand for a general constituency, the voter can cast both his votes, although one is intended for the reserved seat, to A and B who stand for the general seat or *vice versa*. The two votes are liable to be cast for the Scheduled Caste candidates or other candidates. It cannot be cast for the same candidate. That is the amendment suggested by me. These are two important and vital propositions and I think the hon. Minister would be prepared to withhold the Bill till tomorrow and it will be passed in a couple of minutes tomorrow. I would beg of him to do it; otherwise a very grave situation is likely to arise.

Shri R. K. Chandhuri (Assam): Madam, I am very glad and I welcome this Bill as clauses 2 to 5 will remove an anomalous condition of things. It has not come a moment earlier than is necessary.

I should like to take this opportunity to draw the hon. Minister's attention to a most serious anomaly

which has taken place in Shillong and another autonomous district. Among the autonomous districts, we have got two which are somewhat important for my present purpose. One is the Khasi and Jaintia Hills in which the capital of Assam, Shillong is situated, and the other is Mikir hills. Both of them are autonomous districts. It has been ruled—I do not know whether it has been correctly ruled—that any tribal belonging to Khasi and Jaintia hills, that is one of the autonomous districts, cannot stand for election in the Mikir hills although both are autonomous tribal districts. What has happened is this. When the preliminary voters list was prepared for the Khasi and Jaintia hills, the names of many persons were shown in that list. Subsequently, a portion of the Khasi and Jaintia hills which was adjacent to the Mikir hills was transferred to Mikir hills with the result now that those persons who were formerly registered in the Khasi and Jaintia hills voters list are now said to be incompetent to stand for election in the area known as Mikir hills to which this area has subsequently, after the preparation of the voters list, transferred. It is a very anomalous position. Here are some persons, amongst whom there are many enlightened and educated women, one of whom is also the Deputy-Speaker of the Assam Assembly, whose names were included in the voters list of the Khasi and Jaintia hills. Now, she could not stand as a candidate for the Khasi and Jaintia hills as that area has been transferred to Mikir hills subsequently and she is unable to stand from Mikir hills because her name is already included in the voters list for Khasi and Jaintia hills. The area is transferred; the voters list has not been transferred. This is a very anomalous condition of things. In the plains area, as in other normal areas, any person whose name is registered in one constituency is competent to stand in any other constituency. Similarly, any person whose name stands entered in a tribal constituency should be allowed to stand as a candidate for any other tribal districts. Either that should be done or this anomaly should be removed. It was no fault of the voters of Khasi and Jaintia hills that a portion of that area was transferred to Mikir hills.

Shri B. Das (Orissa): Have you given any amendment?

Shri R. K. Chaudhuri: Can I bring an amendment in this Bill? That is what I am asking. The whole object of my drawing the attention of the hon. Minister to this anomaly is to find out whether we could take this

opportunity to make an amendment and regularise the whole thing.

The other thing to which I desire to refer is the ballot box. There may be several centres, several polling stations where votes are to be recorded. Suppose in one centre some sort of confusion and rowdyism has taken place and the ballot boxes have been actually removed from that place. In the neighbouring polling station also, when this information is received, people there may run away or they may refrain from voting. The voters who are in another centre may not record their votes at all. So, in such cases where, as a result of rowdyism ballot boxes have been tampered with or ballot boxes have been removed from one centre, fresh election takes place, in the neighbouring centre also, there ought to be fresh election. Otherwise the very object of this provision will fail. Suppose I am a candidate and my supporters have recorded their votes. But due to the fact that the ballot-box has been tampered with or removed, there must be a fresh election. Similarly, if there is disturbance in a neighbouring polling centre and due to this voters in the polling booth nearby are scared away or refrain from voting, why should there not be a fresh election there also. If the candidates are the same? There ought to be, otherwise the candidate will suffer because of the rowdyism nearby which has created a paucity of votes.

Shri J. R. Kanoo: That will be a matter for the Election Commission or election tribunal to decide whether on account of any such disturbance, the election has been materially affected.

Shri R. K. Chaudhuri: Then why not leave this matter about which you have introduced a motion now also to the Election Commission?

Mr. Chairman: The hon. Member can make his suggestions now and they will be taken into consideration when deciding the appropriate authority.

Shri Gadgil: Madam, I am glad the Bill has been generally supported by the Members of this House.

My hon. friend Shri Kamath referred to the recently held elections to the District Local Board, Delhi. Whatever has happened cannot be accepted as a representation of facts in the context, and counter allegations have also been made and in some cases matters are pending before a proper court of appeal.

[Shri Gadgil]

As regards the other point that since a voter who goes into the room is not to be observed, it is a possibility that instead of putting the ballot paper into the ballot box he might carry it out and might transfer it with or without consideration, to another. Now, when the electorate is framed on adult franchise, such cases are bound to be few and far between and if you concede that such a vast electorate can be swayed by money considerations, then what my friend Mr. Kamath has said has some force. But the very fact that it is universal franchise based on adult suffrage practically eliminates all chances of such dealings. But I am certain that when a man comes out too quickly or loiters too much, there is always some suspicion and I have no doubt at all that the officer presiding over the polling station will surely take note of that.

Then my hon. friend Dr. Deshmukh referred to the fact that "patil" has been included in the list of government officers, and his grievance, to some extent, seems to be genuine. But this point was raised during the discussion of the main Bill and it was rejected by the House. Now, to accept his amendment would reopen the whole question and I do not think it would be limited only to "patil" but would go on to other things. Therefore, I think, on the whole, the first general election should go as has been visualised and the experience gained in the course of the first election, I am sure, will be duly utilised by the Government that will be in power, before the next elections are ordered.

The other point raised by Dr. Deshmukh was about the distributive vote. The very fact that there is a reserved seat should ordinarily mean that one of the votes, may be out of two or three, must be given to the candidate who is standing for that particular seat, because it is his vote. This point, however, was also discussed and the only thing to which the House agreed was that there should not be cumulative voting, but the voter should be free to give one vote to one and another vote to another and a third vote to a third man. It is possible that this may result in certain anomalies. But if the elections are to be fought on party lines, I have not the slightest doubt in my mind, what is provided for will make no difference, just as it made no difference so far as the elections for the Bombay Province were concerned in 1946 as well as earlier elections. The party people will inform the voter that he has to cast one vote here and another vote to the other

man who has been set up by the party and there will be proper distribution. I do not think at this late hour anything can be done, to meet the wishes of Dr. Deshmukh, though in all fairness to him, I should concede that there is some force in his argument.

The third point that was raised was raised by my hon. friend Shri. R. K. Chaudhuri, about certain Scheduled Tribes people being permitted to vote outside their constituency on the ground that they belong to the same tribe and should be allowed to vote in other autonomous districts. In this connection, I might point out to my hon. friend articles 330 and 332 of the Constitution. Article 330 is the general provision as regards reserved seats in the House of the People for (a) the Scheduled Castes and (b) the Scheduled Tribes except the Scheduled Tribes in the tribal areas of Assam and (c) the Scheduled Tribes in the autonomous districts of Assam. But in article 332(2) the House will find it stated that "Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam". What does that mean? If there was justification for having different types of administrations for certain districts in Assam because of the backwardness of the people living there, then it follows that there must be special consideration shown in the representation. Those who actually live there really know the conditions existing in the area. Therefore it would be wrong for allowing any other person, although he belongs to the same tribe, but who lives outside that area to stand for election there. This principle of residential qualification has also been accepted in the Constitution with respect to the representation in the Council of States. For example, if a man from Bombay who is a voter in the Parliamentary constituency in Bombay wants to stand for a seat to be elected by Orissa, for the Council of States, he cannot do that, for the simple reason that the acquaintance of the candidate with the conditions of the constituency is quite valid and relevant consideration. Therefore, it is not as if we are accepting something new or novel here. It is in the interest of the district itself that this has been incorporated. Therefore I am unable to accept the suggestion made by Shri R. K. Chaudhuri. I find from the order paper there is already notice of an amendment by Shri Hazarika, but I cannot accept it.

That is all I have to say now.

Shri R. K. Chaudhuri: In the particular circumstances I would ask the hon. Minister.....

Mr. Chairman: The hon. Member should address the Chair.

Shri R. K. Chaudhuri: Madam, I get nervous. My question is this. On account of the peculiar circumstances of the present case, as a result of which the voters' lists are prepared in one area and the area is transferred to another district, may I know whether the lists are also transferred?

Shri Gadgil: The advantage is also corresponding. If in area A a man from outside cannot stand, similarly a man from A cannot stand in any district outside. The advantages and disadvantages are mutual and equal.

* **Shri R. K. Chaudhuri:** The rolls are changed now.....

Mr. Chairman: The question is:

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, be taken into consideration."

The motion was adopted.

Mr. Chairman: The question is:

"That clauses 1 to 8 stand part of the Bill."

The motion was adopted.

Clauses 1 to 8 were added to the Bill

Mr. Chairman: There is a new clause 8A proposed by Mr. Hazarika who I find is not in his seat and therefore the amendment is not moved.

The question is:

"That clauses 9 and 10 stand part of the Bill."

The motion was adopted.

Clauses 9 and 10 were added to the Bill

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

Shri Gadgil: I beg to move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

PARLIAMENT PREVENTION OF DISQUALIFICATION BILL—concl'd.

Clause 2.—(Prevention of disqualification etc.)

The Minister of Works, Production and Supply (Shri Gadgil): When this Bill was last discussed on the 7th August, 1951 the trend of the discussion showed two things. According to 391 PSD

some there was no necessity whatsoever for having such a Bill, because membership or chairmanship of certain committees was not an office of profit. According to some others inasmuch as there was some doubt (and as Mr.

Kamath said संशयात्मा विनश्यति

it was safer to bring in a Bill and set at rest all sorts of doubt. Towards the end of the discussion on the 7th August it was suggested that instead of mentioning the name of one committee or another it would be better if Government were to bring forward a comprehensive amendment and if that was passed the position would be very much easier. Dr. Ambedkar promised to consider this suggestion and as a matter of fact before he laid down his office he had given notice of an amendment and the same notice has been renewed by me the other day. I therefore, with the permission of the Chair, beg to move:

In page 1, after line 23, insert:

"(dd) the office of Chairman or member of any other Committee appointed by the Government of India, held for any period not extending beyond the 1st day of November, 1951;".

If the House accepts the amendment all doubts would be set at rest. There would be no irregularity and people who have been working on various Committees at the request of the Government can go freely and take their chances in the general election.

Mr. Chairman: I find that on the last occasion clause 2 was under consideration and the amendment now moved by Mr. Gadgil is to clause 2. I find that there are also other amendments.

Pandit Thakur Das Bhargava (Punjab): I beg to move:

(i) In the amendment moved by the hon. Shri Gadgil, in the proposed new part (dd), after "Government of India" insert "or the Government of any State".

(ii) In the amendment moved by the hon. Shri Gadgil, in the proposed new part (dd), for "1st day of November, 1951" substitute "1st day of the first Parliament of India".

Shri J. R. Kapoor (Uttar Pradesh): I beg to move:

(i) In the amendment moved by the hon. Shri Gadgil, in the proposed new part (dd), for "the 1st day of November, 1951" substitute "the 30th day of April, 1952".

[Shri J. R. Kapoor]

(ii) In page 1, after line 23, insert:

"(dd) the office of Chairman or member of any other committee appointed by the Government of India or of any State, held for any period not extending beyond the 30th April, 1952;"

May I also move with your permission three other amendments, notice of which I have given this morning. I hope the hon. Minister has got a copy of them. Though formal they are necessary amendments. If he agrees I shall move them.

Shri Gadgil: I really do not know what the amendments are.

Shri J. R. Kapoor: Madam, this is not the first occasion when I find that while we get copies of amendments the Minister himself does not get them. I hope some direction will be issued by the Chair to the Secretariat that as soon as a Member proposing an amendment gets a copy the Minister concerned also gets it.

Mr. Chairman: I understand from the Secretary that with regard to manuscript amendments nothing is done to them and only notices given on the day previous are circulated.

Shri J. R. Kapoor: It should always be that when motion is given late in the day the Member and the Minister in charge should both get a copy. That saves all the discussion and waste of time here. I am not accusing the office but merely making a suggestion.

Mr. Chairman: To cut short the discussion I will say that your suggestion will be considered.

Shri Gadgil: I have now applied my mind to the amendments and also the draughtsman has done it. If you omit the words "of profit" the main object of the Bill is gone, which is to remove the disqualification. The third one relates to the future: "to be chosen". What is the main object of the Bill? It is to indemnify those already there.

Shri J. R. Kapoor: I would beg of the hon. Minister not to reject my amendments straightaway—I hope I will be able to convince him. If subsequently he feels convinced he might accept them. Let me have the opportunity of saying something when I move them.

It also involves a question of principle. It should not be made an invariable rule that any amendment sought to be moved at any late stage by an hon. Minister should be allowed to be

moved, and that any amendment of any non-official Member, howsoever reasonable it may appear to non-official Members, should not be allowed to be moved.

Shri Gadgil: Here the position is that notice of the amendment was given by Dr. Ambedkar. I have merely given a fresh notice—word for word the amendment is the same. Why I had to give it is something perfectly well-known to the House.

Shri J. R. Kapoor: I was not in any way accusing the hon. Minister of being late.

Mr. Chairman: I do not think there is any such hard and fast rule here. Even if the Members brought in amendments at the eleventh hour they have been accepted. Therefore, I do not think there is any special ruling or order from the Chair necessary in this matter.

With regard to this particular matter, I have asked the hon. Minister and if it is convenient to him he might accept it. Since he says he is unable to agree, the question of notice would arise.

Shri J. R. Kapoor: My only submission is this. I may not be permitted to move these amendments formally at this stage, but when I speak on clause 2 I will make out a case for the necessity of such an amendment.

Mr. Chairman: Surely; he can straightaway express his point and nobody is going to bar him. If the arguments are convincing and the hon. Minister agrees then those amendments may be taken up later.

Shri J. R. Kapoor: Thank you, Madam. Only it should not be a bar to my moving them later on.

Mr. Chairman: There is another amendment by Mr. Sidhva. He is not here—even if he were here he may not move it. The other hon. Members who have given notice are not in the House.

Shri S. N. Mahtha (Bihar): Madam, I wish to say a word regarding the amendment moved by the hon. Minister. I am afraid it does not fulfil the purpose for which it was framed. The amendment reads:

In page 1, after line 23, insert:

"(dd) the office of Chairman or member of any other Committee appointed by the Government of India, held for any period not extending beyond the 1st day of November, 1951."

His amendment relates to "any other Committee". It does not relate to the Local Railway Advisory Committees.

Shri J. R. Kapoor: That we have disposed of on the last occasion.

Shri S. N. Mahtha: It was not accepted.

Shri J. R. Kapoor: It has been accepted.

Shri S. N. Mahtha: That is what the hon. Minister says. Do you think he is not aware?

Shri Gadgil: I am agreeable to delete the word "other".

Shri S. N. Mahtha: Thank you. Now I would like to tell him of my difficulty. The Bill as it stands does provide for offices of members of the Railway Local Advisory Committees appointed by the Government of India for the year ending on the 31st day of March, 1950 or for the year ending on the 31st day of March, 1951. This is October and these Committees are in existence even today and many Members of this House are members of those Committees. Consequently, if it is not made very clear the position will remain in doubt as to whether the disqualification will stand or not. The matter should be made as clear as possible and if it is possible to put down here "31st March, 1952" all ambiguities will be removed.

Shri J. R. Kapoor: May I interrupt and point out that this has been accepted on the last occasion? May I bring to your notice and the notice of the hon. Member that in the proceedings I find that the following amendment had been accepted? The question put by the Chair was that in page 1, line 23, after "March, 1951" insert:

"or for the year ending on the 31st day of March, 1952."

And the motion was adopted. If it is a correct reproduction of the proceedings then I think there is no further point in the argument being advanced by my hon. friend.

Shri S. N. Mahtha: That was my impression too, but I did not find that amendment here on the list and I found that the Bill said '31st day of March, 1951'. I thought I should raise that point and get it clarified.

Mr. Chairman: That amendment was adopted on the previous occasion. I will read from the previous proceedings:

"The question is:

In page 1, line 23, after "March, 1951" insert:

"or for the year ending on the 31st day of March, 1952."

The motion was adopted:

Shri S. N. Mahtha: Well, the Bill as it stands even today reads "31st day of March, 1951". There is some confusion anyhow.

Mr. Chairman: Pandit Thakur Das Bhargava.

Pandit Thakur Das Bhargava: Madam, article 102(1) of the Constitution reads thus:

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

(a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder;"

So, part (a) refers to two kinds of offices, offices of profit held under the Government of India and under the Government of any State.

The reasons for my moving the two amendments are as follows. In the first place, it is not an office of profit under the Government of India alone that disqualifies a person; if a person has accepted an office in any Committee etc. appointed by a State Government, even then the disqualification is there. For instance, I am a member of the Communications Board of the Punjab appointed by the Government of the Punjab, which means that if I continue to hold that office I will be disqualified. There must be many other Members who have been appointed to other Committees appointed by the States. It so happens that I was Chairman of the Committee for Jail Reform and if the disqualification is not removed then the question will arise that any person who has accepted the office of Chairmanship of any Committee appointed by the State will also be disqualified. Under article 102 the disqualification refers to both being chosen as, and for being, a Member of Parliament whereas the Bill only refers to the retention of seat as a Member.

Therefore, the words "or the Government of any State" should be put down in the amendment moved by the hon. Minister so that those who are members of any Committee appointed by a State may not be disqualified.

[Pandit Thakur Das Bhargava]

Secondly, the date given in the amendment is 1st November, 1951. In the case of those of us who are members of Committees, we are likely to have meetings of these Committees in future also. For instance, the Rehabilitation Finance Corporation has its Advisory Committee which will meet in November and December and even beyond, before this Parliament ceases to have life. We shall have to attend all those meetings. If we are making a law up to 1st November, I cannot see why we cannot make the law up to the end of life of the present Parliament. There is no reason, in the case of those who have been members of Committees for over two years, why after the 1st November they should be disqualified from membership of Parliament if they continued in those Committees. If the hon. Minister wants that they may be disqualified, let him say so, so that all such Members may give their resignations of those Committees. There is going to be a Committee appointed by the hon. Minister himself for the Delhi Premises (Requisition and Eviction) Act which we have passed. I do not know what will be the position in regard to that Committee. If any persons accept membership of that Committee and work after 1st November, I fear they will be disqualified. So, there will be difficulty for the hon. Minister himself if he wants to appoint some Members of this House to that Committee. I would rather like that the rules were made absolutely clear and if any one continues or accepts membership of these Committees, then that should not disqualify them up to the time of the life of this Parliament. If this is not done, many Members will cease to function after 1st November and those Committees will not get the benefit of the association of those Members and some confusion might ensue. Therefore, I have proposed these amendments, so that those Members who have already accepted offices may continue as long as they continue to be Members of this House and the period may be extended up to the life of this Parliament.]

Shri J. R. Kapoor: Sabhanetriji, I would like on this occasion to take back the minds of hon. Members of this House....

Shri Kamath: Why address the Chair in Hindi and speak in English?

Shri J. R. Kapoor: I think it is better to use a recognised term when one is available in our own language. Therefore, Sabhanetriji, it would be advisable on this occasion to take our minds back to the previous occasion when we were discussing this Bill. You will

remember, Madam, that on that occasion we had a very long drawn out debate on this subject and it had to be adjourned because we came to the conclusion that the Bill as it stood and particularly clause 2 thereof as it then stood was not sufficient to meet the needs of the situation. It was considered that it was very limited in its scope even in relation to the conduct of the existing Members in regard to their membership of the various Committees, and still more limited in respect of the definition of the term office of profit. It was considered necessary firstly, that its scope should be so enlarged as to cover cases of all Members who are members of a large number of Committees, and secondly, that the term office of profit might be explicitly defined so as to give a clear indication not only to the Members of Parliament who might seek re-election but it may be a guide to those outside the House as to what offices that they are holding now would have to be given up if they want to seek election. Madam, it is disappointing today to find that in spite of the adjournment of this debate for this very purpose an amendment is being moved now which does not take us much farther than the position in which we found ourselves on the previous occasion. What is this amendment, Sabhanetriji? This latest amendment says that the following be inserted:

"(dd) the office of Chairman or member of any other Committee appointed by the Government of India held for any period not extending beyond the 1st day of November, 1951;"

In the first place, it does not cover the case of those Members of Parliament who are members of some Committees on the basis of nomination by State Governments. That is a very necessary point which must be taken into consideration when we are providing for the removal of disqualification, as has just been pointed by my hon. friend Pandit Thakur Das Bhargava, who has given notice of an amendment, and I also have given notice of a similar amendment. Article 102 of the Constitution lays down:

"...other than an office declared by Parliament by law not to disqualify a Member of either House of Parliament if he holds an office of profit..."

firstly under the Government of India and secondly under the Government of any State. And then it goes on to say:

"other than an office declared by Parliament by law not to disqualify its holder;"

Therefore, what we have to do is firstly to enact a law laying down that membership of such and such Committees under the Government of India shall not be a disqualification, and secondly we must also lay down definitely that the membership of Committees under the State Government shall also not be a disqualification. It so happens that in some States legislation has been enacted laying down that that membership of Committees under the particular State Government shall not be a disqualification for election to that particular State Assembly. Those laws, Madam, I want to make it clear at this stage would not help us because though according to that legislation membership of the Committees under that State will be no disqualification for election to the State Assembly, yet unless and until we also make a similar provision in our law, that law will not help us or save us from the disqualification which anyone of us may have incurred because of our being members of a Committee under the State Government. It is, therefore, very necessary that the amendment which I have moved should be accepted.

Secondly, my second amendment suggests that the period should be extended up to April, 1952. My amendment is slightly different from the amendment of my hon. friend Pandit Thakur Das Bhargava. Whereas he wants to extend the time up to end of February, because I suppose that is going to be the last day of the life of this Parliament, my amendment suggests that the date should be extended up to 30th April, 1952. I would very much prefer that this period may be still further extended by a couple of months, because the new Parliament when it comes into being will not pass the exhaustive legislation on the subject of "office of profit" which is expected of it before three or four months, and we should not expect that the new Parliament immediately after it comes into being would be seized with a Bill covering this. I would not take even a minute more of the time of the House if the slightest indication were coming from the hon. Minister that he is going to accept my amendment.

Mr. Chairman: I believe the hon. Member is making a second speech. He has already spoken once on a previous occasion on the same subject. Therefore, it would be better to be very brief and I would call upon the hon. Minister to reply.

Shri J. R. Kapoor: Madam, I have not finished. I have other amendments also. I would not take long. In order

to bring home to the hon. Minister the necessity of accepting my amendment, I would quote one or two instances. I shall show how the position will stand if my amendment or Pandit Thakur Das Bhargava's amendment is not accepted. Let us take the case of some of the hon. Ministers in this House who are also members of the Planning Commission. Membership of the Planning Commission is obviously an office of profit. It does not matter that hon. Ministers who are simultaneously members of the Planning Commission do not get any additional remuneration. The question is not what the Member gets; the question is whether the office is one of profit. The question as to whether a Member gets anything or not is absolutely immaterial; the only question is whether the office is one which could be called an office of profit. If there is any remuneration payable in respect of that office, it is an office of profit, irrespective of the fact that the holder thereof does or does not draw any remuneration. The law on the subject is very clear. We have taken all these expressions from the English law and the decisions in England on this subject would be very helpful to us in considering in what manner we should proceed. I would in this connection like to draw your attention and the attention of the hon. Minister as also the hon. the Prime Minister, since he is here, to the report of the Select Committee on Elections, dated the 23rd August, 1945. A case had been referred to the Select Committee for their decision as to whether a member who had drawn a very small remuneration was disqualified or not. The decision was that he was. Along with that decision they laid down some definite principles on the subject. One of them is to the effect that even if the member does not draw any remuneration, if the office held is one of profit, it will entail a disqualification. This is what the Committee said:

"Mrs. Mann and Mr. Forman in their evidence both showed that the small remuneration which they had received on the rare occasions of the Tribunal had met was when set against the expenses a negligible amount and that their work on the Tribunal was undertaken as a public duty and not for a profit. A series of precedents was submitted to your Committee in support of the view that the receipt of remuneration (I emphasise the word receipt) by the holder of office is more material provided that his office is one in respect of which remuneration is payable (not paid); this is so even when

[Shri J. R. Kapoor]

the remuneration is fixed now, as in the case of the stewardship of the Children Hundreds."

The point has been definitely decided that an office would be considered an office of profit if some remuneration is payable in respect thereof, even though the holder of it may not draw any remuneration. Two or three hon. Ministers of this House, including the hon. the Prime Minister who are simultaneously members of the Planning Commission, which are obviously offices of profit, may find themselves in a rather embarrassing position unless and until we lay it down clearly that the protective period extends up to April, May or June 1952, because otherwise after the first of November these hon. gentlemen will have either to give up their office on the Planning Commission or will automatically cease to be Members of this House. Of course, I know that they can continue to be Ministers for six months, though not members of this House. But it would look very awkward for these Ministers to cease to be Members of Parliament and continue as Ministers.

Mr. Chairman: Does the hon. Member mean to say that hon. Ministers who are members of the Planning Commission are drawing salaries separately from that body?

Shri J. R. Kapoor: The question of drawing salaries is immaterial. Membership of the Planning Commission is an office of profit, though the incumbent thereof may not draw any remuneration.

I have carefully studied this matter and am definitely of the opinion that hon. Ministers who are members of the Planning Commission cannot continue in their office unless we make a definite provision to that effect.

Mr. Chairman: I would request the House to sit till 1-15 p.m. so that we can finish this Bill before we adjourn for lunch. We may meet at 3-45 in the afternoon.

Dr. Deshmukh (Madhya Pradesh): In view of the complicated nature of this provision, it would be better to adjourn now, so that the hon. Minister may have sufficient time to study it.

Mr. Chairman: So far as the hon. Minister is concerned, he is quite prepared to reply to the points raised.

Shri J. R. Kapoor: It was not my intention to assail the hon. Minister. If he thinks that this provision is not necessary, I for one do not want to

press it. I have just put forward this proposition for the consideration of the House.

Mr. Chairman: Shall we hear the hon. Minister then?

1 P.M.

Shri J. R. Kapoor: I have one more point to urge and I have finished. One important thing I have to suggest to the hon. Minister is that he might amend this clause 2. I would like to finish that point because I do not want to take another opportunity when there is a general discussion on clause 2. My suggestion to the hon. Minister is that he might accept my suggestion that this removal of disqualification should also apply to the coming candidature, for otherwise the difficulty will be this. You will indemnify all of us who are Members of the various Committees. So far so good. But then what will happen? Immediately after the 1st of November, if that is the date, all of us will have to rush with our resignations on the various Committees, because at the time of the nomination the returning officer will look into the question whether a candidate is holding any office of profit. There are various Committees on which we are working, and some Committees are yet going to be appointed. One is going to be appointed by the hon. Mr. Gadgil himself.

Mr. Chairman: This point has been made clear very elaborately—the Committees, the membership thereof etc. The hon. Member may finish soon.

Shri J. R. Kapoor: My only difficulty is if only the hon. Minister were so attentive to my suggestions as the Chair is it would not be necessary for me even to make all these suggestions in so many words. I wonder whether in his other occupations with other Members of the House the hon. Minister has been able to hear fully what I have submitted. Anyway, that is all that I have to submit.

Shri Satyanarayana (Madras): Here in part (d) of clause 2 it is mentioned "the offices of members of the Railway Local Advisory Committees appointed by the Government of India..." As far as I know these members are not appointed by the Government of India; they are elected by the Central Advisory Council. I want to know whether the expression "appointed" covers "elected" also. All the members of the Railway Local Advisory Committees represent the Central Advisory Council and they are elected. I would like to know whether the expression here "appointed by the Government of India" includes them also or whether it precludes the elected members.

Shri Gadgil: Madam, this question of what exactly is the connotation of the expression "office of profit" was thoroughly discussed on the 7th August, 1951. The English view was also elaborated by Dr. Ambedkar and that view is that a particular office is declared to be an office of profit by Parliament and whether the holder receives any emoluments or not is no relevant consideration there. But this too technical view was not accepted by the Government of India. Let us see what Dr. Ambedkar said:

"That is the rule under the English Constitution: certain offices have been declared by law to be offices of profit. There may be a certain Member of Parliament who may accept that particular office and at the same time refuse the profits of that office, but the fact that he has refused the profits of the office does not save him from the rule of office of profit. Government thinks that that is quite an undesirable thing; being purely technical we need not adopt it. What the Government has done with regard to defining what is an office of profit is a very simple thing; they have decided the basis for determining whether any particular office is an office of profit or not. Recently the Finance Department has made rules for the payment of non-Members for work done on various Committees." And then he stated:

"We have taken the basis for actual expenses what has been decided by the Finance Department: in fact, I should have said what has been accepted by Government—not merely decided by the Finance Department, but accepted by Government before this conclusion was reached."

And the Resolution laid down that a Member is entitled to draw travelling allowance and daily allowance not exceeding Rs. 20. So long as he remains within that limit he does not occupy an office of profit.

Now, Madam, with respect to the amendments moved...

Dr. Tek Chand (Punjab): Is the opinion of the Finance Department covered by the statute? This is an opinion expressed by a departmental officer or the Ministry of Finance in some office notes. The statute has to cover it to give them binding force. The point will come up before returning officers in various constituencies and may be interpreted differently. Will it not, therefore, be desirable to

add a clause here to clarify the position? That is what I want to ask the hon. Minister.

Shri Gadgil: Under article 102 of the Constitution it is the President who has to declare on a reference by the Speaker. The Court has no jurisdiction. Nobody else has any jurisdiction. Whatever the President decides to be an office of profit will be an office of profit. Other things will not be covered by that term.

Shri J. R. Kapoor: The returning officer and the election tribunal will also be called upon to decide in respect of the candidature of candidates and election petitions as to whether a person was duly qualified, or disqualified by reason of his holding an office of profit. There are two persons who will be called upon to decide. In the case of sitting Members, the President. And he also not on the advice of the Government but on the advice of the Election Commission. This advice of the Government the President is never going to look into. And I do not think either the Finance Department or the Government would be so audacious as to tender any advice on the subject to the President. The President will have to act in this matter not in his discretion, not on the advice of the Government, but on the advice of the Election Commission. That advice is binding on the President, and the Government's view does not come into the picture. Secondly, in the case of candidatures it is the returning officer's view. Subsequently if there is an election petition, it is the election tribunal's view that will prevail.

Shri Gadgil: In as much as the last point raised by Dr. Tek Chand does require some consideration I submit that I will be ready with the view that Government wants to take when we re-assemble after Lunch.

Shri Sondhi (Punjab): I would like one point to be clarified. In regard to the present Members of the Standing Committees what will happen after the 31st October? Will they resign or be asked to resign? They are not covered by this.

Mr. Chairman: I will put the amendments to clause 2.

Pandit Kunsru (Uttar Pradesh): The matter is not so simple as the Chair supposes. We have had a discussion on it before. But I think the matter still demands serious consideration. My hon. friend Mr. Gadgil has said that Government have on the advice of the Finance Ministry decided either formally or informally that when a Member of Parliament is a Member of a Committee for which he does not

[Pandit Kunzru]

receive a daily allowance of more than Rs. 20 he will not be regarded as holding an office of profit. But Members of Parliament who are Members of Committees generally receive more than Rs. 20 as daily allowance. What is to be their position? What Mr. Gadgil has said is completely beside the point in view of the position of Members of Parliament. Has Government arrived at a decision that when a Member of Parliament is a Member of a Committee, he too shall receive not more than Rs. 20 as daily allowance? Unless that is the decision, what Mr. Gadgil has said can give us no satisfaction at all. Government will be compelled then for every Committee that it appoints, to introduce what may be called a new indemnity Bill. This is not desirable. I think when we have a Bill before us to remove the disqualifications of Members of Parliament, a comprehensive view should be taken of the matter; we should not merely deal with such cases as have occurred but also think of the future.

Pandit Thakur Das Bhargava: What about the membership of Committees appointed by the States?

The Minister of State for Rehabilitation (Shri A. P. Jain): They are covered.

Shri Sondhi: Let us adjourn now.

Mr. Chairman: Is it the intention of the House to adjourn now and thus have a little time for the consideration of this question?

Hon. Members: Yes.

Shri Kamath: Before we adjourn, I would like to know whether there will be a sitting tomorrow?

Mr. Chairman: I am just going to announce that.

Before the House is adjourned, I would like to make this announcement: The House will sit tomorrow the 16th October for transaction of Government business. We will meet at 3-40 P.M. The motion *re* Planning Commission's Report will be taken up at about 6 P.M. today.

The House then adjourned for Lunch till Forty Minutes Past Three of the Clock.

The House re-assembled after Lunch at Forty Minutes Past Three of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

Shri Gadgil: When the House adjourned for Lunch, I promised on

behalf of Government that the points raised particularly by Dr. Tek Chand will be taken into consideration. We have discussed this. Obviously, whatever position we may choose to take, cannot be entirely free from doubt. On a consideration of all relevant points, I have reconsidered my decision with respect to the amendment which was proposed to be moved by my hon. friend Mr. J. R. Kapoor. I am now agreeable to accept his amendment namely, for the words "for being Members of Parliament" substitute the words "for being chosen as, and for being, Members of Parliament". I am told that if such a thing is not accepted, there will be immediately practical difficulties in the States where the dates of election have been already notified and nomination dates have also been fixed. In the absence of any clear-cut and concrete guidance, each returning officer will be finding out his own reasons for accepting or rejecting. That will be like the toe of the Chancellor according to which equity varies. Therefore to avoid all these predicaments, I am, as I just now said, prepared to accept the amendment the substance of which has been read by me just now.

As regards the first amendment moved by my hon. friend Pandit Thakur Das Bhargava regarding Members of Committees appointed by the Government of any State, obviously we did not know that there were any Committees on which Members of Parliament were sitting. I am prepared to accept that. As regards other amendments regarding the change of date, that is from 1st November 1951 to 31st March, 1952 or 1st April, 1952, I am not inclined to accept them. I give my reasons. The reasons are that it would look as if we want to perpetuate all this. A sense of propriety impelled me to say that whatever people have done in the past in utter ignorance of the legal position and *bona fide* believing that what they did was perfectly correct, now that the matter has been brought to the notice, although according to me, that is free from doubt, it may be, as I have said, not free from doubt for some other person, and it is good from purity, from self-respect and from a sense of propriety that all those who were Members of this Committee or that Committee should resign from the 1st of November and stand for election. The immediate difficulties have been removed by accepting the amendment of Mr. J. R. Kapoor and by accepting the amendment of Pandit Thakur Das Bhargava about State Governments.

So far as the other amendment is concerned, regarding the extension of date, as I have said, taking all factors into consideration, I am unable to accept that. In the light of what I have said, I hope there will be no further discussion and this Bill will be gone through.

Shri J. R. Kapoor: Will the hon. Ministers also resign from the Planning Commission after the 1st of November?

Shri Gadgil: You need not worry about the Planning Commission. The Ministers who are members of the Planning Commission are members because they are Ministers here and not that they are Ministers because they are members of the Planning Commission. In the light of that, their position is not affected in the least.

Shri A. C. Guha (West Bengal): As has been stated, to be an office of profit, they must have some remuneration. The Ministers do not get any remuneration from the Planning Commission.

Shri Gadgil: They do not get anything from the Planning Commission.

Shri A. C. Guha: Can that post be held without remuneration to be an office of profit?

Shri Gadgil: Those who receive salaries as Members of the Planning Commission, undoubtedly, cannot stand. Those who do not get any salary as members of the Planning Commission, but get salaries because they are Ministers, their position is entirely different.

Shri J. R. Kapoor: Is it the contention of the Government that the posts of members of the Planning Commission which the Ministers are holding are not offices of profit?

Shri Gadgil: Quite true.

Shri J. R. Kapoor: There is great doubt about it. There is one other difficulty. It is for the hon. Minister to find a solution. With regard to the rehabilitation question, his intention is, I am sure, to appoint some Members of Parliament to look into the question of allotment of land, recasting of the Improvement Trust Plan and all that. That would not be possible then. It would not be open to Government between the 1st of November and the next Parliament, when another Bill may be brought forward to utilise the services of any Member of Parliament for any Committee work.

Shri Gadgil: That difficulty can be easily got over by simply saying that those Members will work in an honorary capacity.

Shri J. R. Kapoor: That does not help.

Shri Satyanarayana: I have asked for a clarification in respect of clause 2(d), about the word 'appointed'. As far as I know, there are no members appointed by the Government of India to the Local Advisory Committees. There are members who have been elected by the Central Advisory Council. I want to know what exactly the word 'appointment' means.

Shri Gadgil: What is your difficulty precisely?

Shri Satyanarayana: The difficulty is this. Here it is stated, "the offices of members of the Railway Local Advisory Committees appointed by the Government of India". Are there any members appointed by the Government of India other than those elected by the Central Advisory Council for Railways?

Shri J. R. Kapoor: May I answer? Those members of the Central Advisory Council who are elected by that Council to the Local Advisory Committees do not go there in their representative or elective capacity. They are elected by the Central Advisory Council surely, but that is the procedure which the Central Government adopts in order to find out who would be the suitable Members of Parliament to be nominated to the Local Advisory Committee and the process of election is the process by which the Government comes to choose who should be the particular Members to be nominated to the Local Committee. It is not a statutory body. It is not as if Parliament elects them. Parliament elects the Central Advisory Committee and there the work of Parliament is over. The members of the Central Advisory Council in co-operation with the hon. Minister of Railways and Transport decide that such and such Member should go and sit on the Local Advisory Committee. While they are certainly elected that is only for the purpose of indicating their mind as to which particular person should be nominated by Government itself. So the nomination as a matter of fact, is by the Government and it is not as if we elect the persons to the Advisory Committee.

Shri Satyanarayana: I am grateful to the hon. Member for this explanation. I would also like to have the interpretation of the hon. Minister.

Pandit Thakur Das Bhargava: I only want to stress the point that thought the hon. Minister has said that the extension of date is not desirable, I am afraid this would result in a lot

[Pandit Thakur Das Bhargava]

of dislocation of important work that is now going on and is nearing completion in some cases. It is not as if Members are anxious to pocket some money. But they are engaged in important work which it is desirable in the interest of the public to see that it is not dislocated. For instance, in the Rehabilitation Ministry they have appointed a Committee of which Dr. Tek Chand is the President and it has been appointed for the purpose of finding out how the property claims are to be investigated, how these claims should be evaluated and how the properties are to be distributed among the parties and various other matters. This Committee is doing good work and if it is deprived of the services of its Chairman—Dr. Tek Chand, the interest of the general public is sure to suffer. So also there are other Committees. There is one appointed by the Home Ministry of which Dr. Tek Chand and myself happen to be members and there are three or four other members also on it, and this Committee deals with the question of police powers,—the Anti-Corruption Committee as it is called. The report of this Committee is being finalised and the final meeting is fixed somewhere about the first week of November. Now, if the date is not extended, many of the members of these important Committees will have to resign. They have no hesitation in resigning; but I am perfectly sure the work will suffer. I really cannot understand why the date cannot be extended. There will be no corruption, no impropriety, nothing of that kind if it is extended. Members do not get anything abnormally large. And if the date is not extended, important public work will suffer. Therefore I would request the hon. Minister to reconsider the question and accept the extension of the date. I have already suggested in my second amendment that the date should be extended as far as the life of the present Parliament so that the Members who are working on particular Committees may be able to perform the business for which they were appointed.

Shri J. R. Kapoor: Sir, this is not a new proposition that is being suggested now. As a matter of fact, so far as membership of the Railway Local Advisory Committee is concerned, it has already been accepted that the members of these Committees can continue to sit as members up to the 31st March, 1952. That was accepted on the previous occasion when the Bill was discussed. We only want that this date should be incorporated in the new amendment as moved by the

hon. Shri Gadgil. For the original words and figures "31st March, 1951," we had substituted the words and figures "31st March, 1952." We may similarly have this date in the new part (dd).

Shri Gadgil: I have already stated what I feel about this question. It would look as if this Parliament wants to perpetuate this, that and the other. But if the House takes a different view and it is thought that in view of the difficulties—real and supposed—it would be better to extend the date up to 31st. March, 1952, I shall leave the matter to the House.

Shri J. R. Kapoor: Even then, the new Parliament would not have met.

Pandit Thakur Das Bhargava: In view of what the hon. Shri Gadgil has just now told the House regarding the extension of date upto 31st March, 1952, I do not press my second amendment.

Shri B. Das (Orissa): Sir, I have not been able to understand the present position. I would like to know why.....

Mr. Deputy-Speaker: But the hon. Minister seems to have agreed to the amendment about extending the date.

Shri B. Das: Sir, it is not about the date that I want to speak. Some of the offices mentioned in clause 2 of the Bill are defunct. For instance the office of Chairman and the offices of members of the Fiscal Commission are mentioned here. But the Fiscal Commission itself is now defunct. So also there was an Economy Committee of which I was a member as also the hon. Minister Shri Gadgil. But now it is stated in clause 2 that these offices "shall be deemed never to have been disqualified, the holders thereof for being members of Parliament." The Working Party for the Coal Industry does not exist now. As I said the Economy Committee does not exist now. So what is the interpretation of these words occurring in clause 2 of the Bill—"shall be deemed never to have been disqualified, the holders thereof"? If the Law Ministry's interpretation is that a Member of Parliament who has become a member of any of these Committees does not get disqualified, then I think the Economy Committee also should be included in the list given in the Bill.

Shri J. R. Kapoor: That is covered by the new amendment of the hon. Minister.

Shri B. Das: Then why not delete parts (a) to (c)?

Shri J. R. Kapoor: Yes, parts (a) to (c) may be deleted and only (d) need remain as (a) and the present (e) will become in that case (b) and (dd) will become (c).

Shri B. Das: Yes, that will solve the whole problem.

Shri Gadgil: Certain Committees have been mentioned. There are some of which we do not know and hence we speak of "any other Committee appointed by the Government of India".

Shri B. Das: I do not know what Shri Gadgil feels now as the Law Minister, but as Minister of Works, Production and Supply, he was on the Economy Committee. As it appears to me, the Law Ministry has not applied its mind to the whole problem. I expected that there would be one validating clause which would enable anybody to be exempted. There seems to be some mistake somewhere. I am no lawyer, but I hope eminent lawyers like my hon. friend Dr. Tek Chand and Pandit Thakur Das Bhargava are not happy and they I hope.....

Shri Naziruddin Ahmad (West Bengal): They are laughing.

Shri B. Das: They are laughing at the Government and not at me. I therefore, suggest that we should postpone a decision on this till tomorrow noon by which time the best brains of the Government of India and Parliament Secretariat may be put together and put the thing in a way which could be approved by Parliament. This is really a subject for the Parliament Secretariat to deal with.

Mr. Deputy-Speaker: I think I shall put the question to the House. I will first of all put the amendment of the hon. Minister, as modified.

4 P.M.

Dr. Tek Chand: Some words have been added later on such as "for being chosen as Members of Parliament, etc." Are they included or not?

Shri Gadgil: That will come later. I have accepted the amendment proposed to be moved by Mr. Kapoor and that will come earlier.

Shri J. R. Kapoor: I beg to move my third amendment:

In page 1, line 9, for "for being members of Parliament" substitute "for being chosen as, and for being, members of Parliament".

The relevant portion of the clause will now read:

"It is hereby declared that the following offices of profit under

Government shall not disqualify, and shall be deemed never to have disqualified, the holders thereof for being chosen as, and for being, members of Parliament."

The words of my amendment have been taken bodily from article 102 of the Constitution.

Mr. Deputy-Speaker: "And" is restrictive. Should it not be "or"?

Dr. Tek Chand: It would be better if you put in the word "or". That would qualify person not the elections for Parliament. The position now is different from what it was at the time of the passing of the Constitution; and the word should be "or".

Shri J. R. Kapoor: The amendment may be altered suitably, Sir.

Mr. Deputy-Speaker: The question is:

In page 1, line 9, for "for being members of Parliament" substitute "for being chosen as, or for being, members of Parliament".

The motion was adopted.

Mr. Deputy-Speaker: I shall now put the amendment of Pandit Bhargava to the amendment proposed by Mr. Gadgil.

The question is:

In the amendment moved by the hon. Shri Gadgil, in the proposed new part (dd), after "Government of India" insert "or the Government of any State".

The motion was adopted.

Mr. Deputy-Speaker: I will now put the first amendment of Mr. Kapoor to the House.

The question is:

In the amendment moved by the hon. Shri Gadgil, in the proposed new part (dd), for "the 1st day of November, 1951" substitute "the 31st day of March, 1952".

The motion was adopted.

Shri J. R. Kapoor: As my first amendment has been adopted by the House, I do not press my second amendment.

Mr. Deputy-Speaker: Now I will put to the House Mr. Gadgil's amendment as further amended by the House.

The question is:

In page 1, after line 23, insert:

"(dd) the office of Chairman or member of any other Committee

[Mr. Deputy-Speaker]

appointed by the Government of India or the Government of any State, held for any period not extending beyond the 31st day of March, 1952."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill."

Clause 1 was added to the Bill.

Title

Shri Gadgil: There is a consequential amendment to the long title.

I beg to move:

In the long title, after "for being" insert "chosen as, or for being,".

Mr. Deputy-Speaker: The question is:

In the long title, after "for being" insert "chosen as, or for being,".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That the Title, as amended, and the Enacting Formula stand part of the Bill."

The motion was adopted.

The Title, as amended, and the Enacting Formula were added to the Bill.

Shri Gadgil: I beg to move:

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

Shri B. Das: Sir, the sign on the walls shows that there will be a sitting of Parliament in February next and I warn the new Law Minister (I congratulate my hon. friend Mr. Gadgil for being called the Law Minister today) and the Government that they must take the best advice possible and bring a new Bill which will validate this particular Act. I am not satisfied with it. Though not a lawyer but only a law-maker I feel that this is not a piece of legislation of which this House should be proud. There are many lacunas and from your smiles I can make out that you are not satisfied with it either. I do urge on the Government of India and particularly my friend the new Law Minister that he will bring in the necessary legislation in the February session, so that

this kind of mischievous enactment does not disfigure the Statute Book.

Mr. Deputy-Speaker: The question is:

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

↑ The motion was adopted. ↓

PLANTATIONS LABOUR BILL

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

"That the Bill to provide for the welfare of labour, and to regulate the conditions of work, in plantations, as reported by the Select Committee, be taken into consideration."

The Select Committee has made only a few changes and those changes are helpful to both sides—some to the employers and some to the workers. By one change the definition of "plantation" has been so amended as to cover a wider acreage and a larger number of employees. That will help the employers of the smaller estates, especially in coffee where smaller estates will be exempted from the operation of this Act.

The other changes relate to further welfare facilities for the workers, like the provision of blankets and umbrellas and raincoats on the estates, appointment of welfare officers, and also provision of kitchen gardens for the workers attached to their houses.

Shri Sondhi (Punjab): Why do you not provide raincoats for Members?

Shri Jagjivan Ram: If they like to work on plantations Government will sympathetically consider that.

Sir, these are the few changes made in the Bill by the Select Committee. I do not want to take any more time of the House, I commend my motion for acceptance of the House.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to provide for the welfare of labour, and to regulate the conditions of work, in plantations, as reported by the Select Committee, be taken into consideration."

Shri Venkataraman (Madras): I very warmly welcome this Bill and I am anxious that it should be passed as early as possible. I shall set a limit to my own speech though I feel there are some provisions which require improvement on which I should like to speak.

Sir, it was hardly five or six years ago that we first started the plantation labour movement in South India and if within five years a trade union movement could grow, wages could be fixed under the Minimum Wages Act, conditions could be regulated by a statute, it speaks volumes on the able performance of the Labour Ministry of the Government of India. It is not that labour always complains and does not acknowledge the benefits that it receives—labour has to complain of the shortcomings, because unless some insistent demand is made by a volume of opinion in democracy nothing gets done.

There are a few provisions in this Bill in respect of which I want a closer scrutiny. The hon. Minister, while introducing this motion, said that the definition of "plantation" has been widened so as to exempt the smaller gardens from the operation of this Bill. I am afraid that the Select Committee has, by widening the definition, nullified clause 14 of this Bill in which provision for educational facilities is made for the children of plantation workers. If you look at clause 14 it says that where the children (of schoolgoing age) of workers employed in any plantation exceed twenty-five in number, the plantation shall provide educational facilities for those children. But in order to come within the definition of "plantation" the estate must employ 30 persons. According to the Rege Committee Report, each plantation family consists of a man and wife and between two and four children. Even if you take that the minimum number of children per family of worker as two, it comes to this: Unless there are at least 30 people in the plantation it cannot come under the definition of a plantation at all, so, even if there are 60 children of plantation workers they need not be provided with educational facilities even though under clause 14 it is stated that if there are more than 25 children educational facilities should be given. I am afraid this is a small error which has crept into the Bill, or that in their anxiety to exempt the small gardens the Select Committee have not looked into the subsequent provisions carefully. I wish the hon. Minister would drop the words "and whereon thirty or more persons are employed" from the definition of "plantation". If those words are dropped then whatever be the number of workers, if the acreage is twenty-five or more it would be governed by the definition of plantation and the children, if they are twenty-five or more in number, could get educational facilities. I wish the Labour Minister would kindly take this into account.

Secondly, the definition of a "qualified medical practitioner" is very restricted. There are other medical practitioners who are registered under the Medical Register, and I have received a representation from the Secretary of the Registered Licentiate's Association stating that if the definition stands as it is they will be excluded from being called "medical practitioners" for the purposes of this measure. I have therefore suggested an amendment to say that "qualified medical practitioner" may mean not only those persons who are mentioned there but such others as may be prescribed. Government may prescribe qualifications necessary for being declared as qualified medical practitioners.

There is another important provision which requires the careful attention of the hon. Minister and that is with regard to the weekly hours. The Bill provides for a 54-hours week. You all know that under the Factories Act 48-hours is the maximum fixed. Even though plantations cannot be classed in the same category as factories, and even though there may be legitimate objection that 48-hours should not be the maximum for work in plantations, there is no reason why a maximum limit per day should not be fixed. As the clause stands I am afraid that the planters may extract work for eleven to eleven and a half hours for three to four days and then leave the labourer high and dry without any work for the rest of the week. They need not pay wages for those days without work: you know the maxim, "No work, no pay"! They would get as much as 44-hours work or even more within the first three or four days of the week.

Shri Jagjivan Ram: How?

Shri Venkataraman: I will clearly explain it. The spread-over, according to clause 22, is twelve hours and the interval that should be given is only half an hour.

Shri Jagjivan Ram: Half an hour after every five hours.

Shri Venkataraman: Yes, after the first five hours he will be given half an hour's rest, then after another five hours work another half an hour's rest, and then another one hour's work. So that in twelve hours' time the employer can take eleven hours' work from the worker. I am sorry to give this interpretation for the benefit of the planters, but since the Labour Minister has asked me I want to tell

[Shri Venkataraman]

him that it is possible to misconstrue, or even to construe the law as it stands so as to extract eleven hours' work in a spread-over of twelve hours. I am anxious that the total hours of work for a plantation worker should not be more than nine hours; if for other reasons, or because of the nature of the work you want to make it a little more, I have no objection even to make it ten hours, but to put no restriction whatsoever on the total hours of work per day for a plantation worker is to deny him the benefit of this legislation. I am very anxious that this should be looked into while dealing with the clauses and this lacuna should be filled up.

I do not wish to say anything more. As I said, we are anxious that the Bill should be passed as early as possible. We are grateful for small mercies. Not very long ago the British Trade Union Delegation came to India and looked into the condition of plantation labour, and one sentence of theirs will be long-remembered. They said: "In Assam tea the sweat, hunger and despair of a million Indians enter year by year".

Shri Sondhi: In Assam—not in South India?

Shri Venkataraman: No. At any rate the labourer in South India has been better organised than the Assam labourer.

Shri Jagjivan Ram: His wages are low.

Shri Venkataraman: This Bill will not be objected to by the planters also, because most of the things recommended in the Bill are given by the better class of estates even today. The United Planters' Association of South India has certain labour standards and the provisions of the Bill conform to those prescribed standards. In fact, in the matter of working hours, the United Planters' Association was willing to fix nine hours, though the Bill allows them to have any number of hours work per day. Therefore, I do not think this Bill will be objected to by any section. This Bill is very necessary and a million and odd labourers employed in plantations will be glad that their conditions of labour which have not hitherto been regulated at all are now brought within the purview of some legislation. You all know that plantation labour lives far away from the cities and civilisations. In fact, it works under the most trying conditions of extreme climate, cold and blizzard and yet the condition of plantation labour has been so long neglected because they have not been

strong enough to agitate. We are glad that after all the Bill has come and with all its imperfections I welcome it and I am quite sure that this will lay the foundation for further beneficent legislation for plantation labour.

श्री भट्ट : माननीय उपाध्यक्ष जी, कई सालों से जिस कानून की उपेक्षा हम कर रहे थे वह कानून अब आया है। और वह भी अपने सम्पूर्ण स्वरूप में नहीं आ रहा है। लेकिन एक तरह से मैं कह सकता हूँ कि यह एक काम चलाऊ बिल है। तो भी जो कुछ आज हमारे सामने पेश हो रहा है वह एक स्वागत करने लायक चीज है। हम जब छोटे थे तब चाय के बारे में यह कहा जाता था कि चाय पीना पानी मजदूरों का खून पीना है। उस समय चाय के बागीचों में काम करने वाले मजदूरों की हालत ऐसी बुरी थी कि लोग एक प्रकार की धार्मिक भावना से हम से यह कहा करते थे कि तुम इस चीज को मत पियो। उस समय में और आज की हालत में बहुत कुछ तबदीली हुई है इसमें कोई शक नहीं है बागीचों के मालिकों का व्यवहार भी बहुत कुछ सुधर गया है, और बराबर सुधरता जा रहा है लेकिन जितना सुधरना चाहिये उतना नहीं सुधरा है। इस लिये यह बिल आया है। इस बिल की भूमिका हमारा फैक्ट्रीज ऐक्ट (Factories Act) है, लेकिन मैं न दो तीन रोज पहले जब इस बिल का अध्ययन किया तो मुझे लगा कि और थोड़ा समय इस बिल ले लिया जाता और इस को थोड़ा और सुधारा जाता तो यह बिल बहुत अच्छा बन जाता। लेकिन हमारे माननीय मंत्री जी ने बताया कि यह बिल हम को पच्चीस मिनट में पास करना है इस लिये इस में तर्कीय में क्या दे सकूंगा। मैं इस की त्वारोक्त में तो नहीं जाना चाहता हूँ, और रेगे कमेटी (Rege Committee) ने जो रिपोर्ट

बनाई सन् १९४५ में और सन् १९४७ में जो मेडिकल रिपोर्ट आई उन सब बातों में मैं नहीं जाना चाहता हूँ। लेकिन मैं यह याद अवश्य दिलाना चाहता हूँ कि एक दृष्टि से इस बिल में वेजेज बोर्ड (Wages Board) नहीं आता है। वह रेगे कमेटी की रिपोर्ट में खास तौर पर कहा गया था। इस में यह भी था कि इस सम्बन्ध में कोई बिल आये तो वह बिल केन्द्र में आना चाहिये और उस बिल में फलां फलां चीज होनी चाहिये। उन्होंने ने एक जगह जिक्र किया है :

“Such legislation should be a Central Act without any provincial variations and without any extensive powers left to the provinces, though the rules under the Act should provide for the essential differences between labour conditions in the north and south Indian plantations and the States concerned should be also induced to frame similar legislation in their areas. This legislation should include provisions for establishing Wage Boards, Boards of Health and Welfare etc.”

इस बिल में दूसरी बातें तो जरूर आई हैं लेकिन वेजेज बोर्ड की बात नहीं आई है।

श्री जगजीवन राम : वह मिनिमम वेजेज ऐक्ट (Minimum Wages Act) में है।

श्री भदट : यह ठीक है, लेकिन यह अलग बात है। तो मैं इतना ही कहना चाहता हूँ। मैं ने कुछ संशोधन भी सुझाये हैं और आशा है कि माननीय मन्त्री जी उन्हें स्वीकार करेंगे।

इतना कहते हुए मैं फिर इस बिल का स्वागत करता हूँ और आशा करता हूँ कि इस बिल को हम विशेष रूप से लाभदायक बनायेंगे।

(English translation of the above speech)

Shri Bhatt (Bombay): Sir, the Bill we had long been waiting for is now before us. Although, it is not as it should be, it is there all the same. In a way it can be described as an interim measure. Nevertheless, whatever is brought forward is a welcome proposition. In the past days of our childhood they used to say that taking tea was something like drinking the blood of poor labourers. The condition of plantation labour being wretched, people, inspired by religious sentiments, used to advise us not to drink tea. Of course, the conditions have since changed a lot and not only the treatment on the part of planters has improved to a great extent, but this improvement is being maintained throughout. The improvement, however, has not been to the extent it ought to have been. Under such circumstances this Bill which is based on the Factories Act has been introduced. About two or three days back when I made a comprehensive study of the Bill I thought it could have been well improved had a little more time been devoted to its consideration. But since the hon. Minister has told us that this Bill has to be passed in twenty-five minutes, it is hardly possible for me to suggest any modifications at this stage. I do not propose to go into its past history or into the details of the Rege Committee's Report or the Medical Report submitted in 1945 and 1947 respectively. I would, however, submit that in a way the measure does not provide for the establishment of Wage Boards. Rege Committee Report had laid particular stress on this point. The Committee were of the opinion that such measures should be brought forward by the Central Government. They also suggested what such a legislation should be made. For instance, says the Report:

“Such legislation should be a Central Act without any provincial variations and without any extensive powers left to the provinces, though the rules under the Act should provide for the essential differences between labour conditions in the north and south Indian plantations and the States concerned should be also induced to frame similar legislation in their areas. This legislation should include provisions for establishing Wage Boards, Boards of Health and Welfare etc.”

Of course, the Bill includes provisions for other things but not for establishing Wage Boards.

Shri Jagjivan Ram: The Minimum Wages Act includes this provision.

Shri Bhatt: That is all right, but it is a different thing. So that is all I would like to submit. I have also given notice of certain amendments which I hope the hon. Minister would be pleased to accept.

With this I again welcome the measure and hope that we would try our best to make it beneficial in all respects.

Shrimati Ammu Swaminadhan (Madras): Sir, I would like to welcome this Bill which has been brought forward by the hon. Minister of Labour. As the hon. Member Mr. Venkatraman said, this Bill has been long overdue and I personally do congratulate the hon. Minister of Labour for bringing it up now and I am glad to see that it is having a very easy passage. I am sure everyone will agree that it was very necessary to give these facilities and conveniences to plantation labour and I am specially glad because in these plantations several women are employed and certain facilities are thought of for women. There is just one change which I would like to have made, but I am afraid the hon. Minister is not going to accept my amendment. It is with regard to clause 12 about creches being provided in plantations employing women. I am very glad that the number has come down to fifty instead of being kept at a hundred as originally intended. But I do wish that they had thought about the number of children rather than the women, because there may be a large number of children on a plantation. My amendment was that if there were more than twenty children under the age of five, then they should have creches in those plantations. But I hope that this will come later. In any case, it is a very good thing that we have got this Bill but there are many more amenities to be given to the workers in these plantations, especially as they are far away and they are not able to bring their voice to be heard in Parliament and the State Assemblies.

An Hon. Member: They have strong advocates.

Shrimati Ammu Swaminadhan: It is time that something was done to the plantation labour. They are people who have suffered a good deal for want of legislation. Once more, I congratulate the hon. Minister for bringing this Bill now and I hope this will mean that we will give more facilities and amenities and come more and more to realise something about the difficulties that are being experienced by men and women who are working as plantation labourers.

Shri Jagjivan Ram: I am afraid, Sir, some of the apprehensions which have been expressed here are due to the fact that Members are not perhaps aware that there are other Acts also operating in the tea plantations. The Minimum Wages Act which covers the hours of work and also the constitution of Wage Boards is applicable to the plantations and the appropriate Governments have already taken action.

Shri A. C. Guha (West Bengal): Have these Acts been implemented in any of these plantations?

Shri Jagjivan Ram: Yes.

Shri A. C. Guha: In Assam and Bengal?

Shri Jagjivan Ram: Yes, in Assam they have started. In Bengal also they have started. So, these two points—weekly hours and overtime, and Wage Boards—will be covered by the Minimum Wages Act.

As regards my hon. friend Mr. Venkataraman's difficulty as to how to reconcile thirty workers with twenty-five children, it is very simple. I need not argue that point. It is enough if I assure him that it will not create any difficulty.

As regards registered licentiates, I may inform the House that qualified doctors or medical practitioners are required only for certifying purposes. As regards doctors in the plantations or in the hospitals and dispensaries there, there is no bar to others. Also, there is no bar even to homoeopaths and *Ayurvedic* practitioners practising in these hospitals and being employed therein. So, it will not create any difficulty in having medical practitioners having qualifications and certificates from recognised institutions, whether their system is allopathic, homoeopathic, *Ayurvedic* or *Unani*. But the restriction which is laid down here is only for the certifying surgeons, and I hold that for certifying purposes we must have these recognised qualifications. The other day, friends from Madras and Assam were perturbed that large numbers of doctors who are licentiates and who are working there already in the hospitals and dispensaries will be discharged. No, they will not be, because if you will look at the definition clause and also the clause relating to certification (clause 7) you will know that this qualification is only applicable to certifying surgeons and not for medical practitioners on the plantations. All the points that have been raised are already covered by the Acts which are already in force in the plantations. The Maternity Act gives enough facilities to women workers.

The provision regarding creches has already been liberalised by the Select Committee and the number has been reduced from 100 to 50. To provide that where there are twenty children a creche should be provided, is likely to operate against women workers. I have found in mines where heavy responsibility is placed upon the employers they think of retrenching their female staff. I do not want to create that situation in the plantations. Let us start with 50 and see how it works before we reduce the number.

Mr. Deputy-Speaker: The question is:

"That the Bill to provide for the welfare of labour, and to regulate the conditions of work, in plantations, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2.—(Definitions).

Dr. M. M. Das (West Bengal): I beg to move:

In part (h), add the following at the end:

"and also persons having certificates granted under the different State (Provincial) Medical Council Acts."

Part (h) of clause 2 gives the definition of qualified medical practitioners. This part mentions only two Acts, the Indian Medical Degrees Act of 1916 and the Indian Medical Council Act of 1933 and says that persons qualified under these Acts only will be recognised as qualified medical practitioners. The hon. Minister of Labour has just now said that this is applicable only to the certifying surgeons, if I understood him aright. Besides medical men qualified under these two Acts there are several persons who have qualified themselves under certain State Acts. Four States have got their own Medical Council Acts and the medical men who have qualified under those Acts may not have come under these two Central Acts. These are the Assam Medical Council Act, the Orissa Medical Council Act, the Madras Medical Council Act and the United Provinces (now Uttar Pradesh) Medical Council Act. These four Provincial Councils are not recognised by the two Acts mentioned in the Bill. It is a great injustice to the licentiates who have qualified from these Provinces.

Shri Jagjivan Ram: I accept the amendment, Sir.

Mr. Deputy-Speaker: The question is:

In part (h), add the following at the end:

"and also persons having certificates granted under the different State (Provincial) Medical Council Acts".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2 as amended was added to the Bill.

Clauses 3 to 11 were added to the Bill.

Clause 12.—(Creches)

Shri Bhatt: I beg to move:

In page 4, line 27, for "more than fifty" substitute "fifty or more".

Mr. Deputy-Speaker: The notice of this amendment was received only today. Is the hon. Minister accepting it?

Shri Jagjivan Ram: The difficulty is that my Ministry has not had the time to examine this amendment. My own feeling is that all this can be done by rules.

Mr. Deputy-Speaker: If the hon. Minister accepts the amendment, I am prepared to waive notice.

श्री भट्ट : वह तो स्वीकार कर रहा है।

[**Shri Bhatt:** He is accepting it.]

Shri Jagjivan Ram: I can assure the hon. Member that I will keep all this in view while framing the rules under this Act. My handicap is that our advisers, have not been able to examine this amendment.

श्री भट्ट : रूल्स में वह चीज नहीं जा सकती है। जब तक आप यहाँ नहीं रखेंगे तब तक रूल्स कैसे बनेंगे।

[**Shri Bhatt:** That cannot be provided for in the rules. How can the rules provide for all this unless it is put in here?]

Shri Venkataraman: All this can be provided for in the rules. Sub-clause (3) of clause 12 says:

"The State Government may make rules prescribing the location and the standards of such rooms in respect of their construction and accommodation and the equipment to be provided therein".

[Shri Venkataraman]

Therefore it is competent for the State Governments to make rules to cover this.

Shri Jagjivan Ram: The purpose of the hon. Member will be served by the addition of the word "amenities" after the word "equipment" in line 40.

Shri Bhatt: I beg to move:

In page 4, line 40, after "equipment" insert "and amenities".

Mr. Deputy-Speaker: The question is:

In page 4, line 40, after "equipment" insert "and amenities".

The motion was adopted.

श्री भट्ट : वह शाब्दिक संशोधन रह गया कि :

[**Shri Bhatt:** But, Sir, the following verbal amendment is left:]

In page 4, line 27, for "more than fifty" substitute "fifty or more".

Mr. Deputy-Speaker: The number one makes the difference!

Shri Jagjivan Ram: I have no objection.

Mr. Deputy-Speaker: The question is:

In page 4, line 27, for "more than fifty" substitute "fifty or more".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12, as amended, was added to the Bill.

Clauses 13 to 26 were added to the Bill.

Clause 27.—(Certificate of fitness)

Shri Bhatt: I beg to move:

In page 7, after line 22, insert:

"(3) Any fee payable for a certificate under this section shall be paid by the employer and shall not be recoverable from the young person, his parents or guardian."

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

Shri Jagjivan Ram: I am accepting it.

Mr. Deputy-Speaker: The question is:

In page 7, after line 22, insert:

"(3) Any fee payable for a certificate under this section shall be paid by the employer and shall

not be recoverable from the young person, his parents or guardian."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 27, as amended, stand part of the Bill."

The motion was adopted.

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

Clause 28 was added to the Bill.

New Clause 28A. (Application of Chapter).

Shri Bhatt: I beg to move:

In page 7, after line 27, insert:

"28A. *Application of Chapter.*—The provisions of this Chapter shall not operate to the prejudice of any rights to which a worker may be entitled under any other law or under the terms of any award, agreement, or contract of service:

Provided that where such award, agreement or contract of service provides for a longer leave with wages than provided in this Chapter the worker shall be entitled only to such longer leave.

Explanation.—For the purpose of this Chapter leave shall not, except as provided in section 29, include weekly holidays or holidays for festivals or other similar occasions."

Mr. Deputy-Speaker: Is Government accepting it?

Shri Jagjivan Ram: Yes.

Mr. Deputy-Speaker: The question is:

In page 7, after line 27, insert:

"28A. *Application of Chapter.*—The provisions of this Chapter shall not operate to the prejudice of any rights to which a worker may be entitled under any other law or under the terms of any award, agreement, or contract of service:

Provided that where such award, agreement or contract of service provides for a longer leave with wages than provided in this Chapter the worker shall be entitled only to such longer leave.

Explanation.—For the purpose of this Chapter leave shall not, except as provided in section 29,

include weekly holidays or holidays for festivals or other similar occasions."

The motion was adopted.

New Clause 28A was added to the Bill.

Clauses 29 to 41 were added to the Bill.

Clause 42.—(*General power to make rules*).

Shri Venkataraman: I beg to move:

In page 11, after line 7, insert:

"(k) the hours of work for a normal working day for the purpose of wages and overtime."

Shri Jagjivan Ram: I accept the amendment.

Mr. Deputy-Speaker: The question is:

In page 11, after line 7, insert:

"(k) the hours of work for a normal working day for the purpose of wages and overtime."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 42, as amended, stand part of the Bill."

The motion was adopted.

Clause 42, as amended, was added to the Bill.

Clause 1, the Title and the Enacting Formula were added to the Bill

Shri Jagjivan Ram: I beg to move:

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

Mr. Deputy-Speaker: Motion moved:

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

Prof. S. L. Saksena (Uttar Pradesh): Sir, I must congratulate the hon. the Labour Minister on having brought this Bill. It is the first of its kind and for the first time we are having the labour law benefits extended to workers in the fields. I am only sorry that the scope is limited and is not as wide as we would have wished it to be. It is only confined to tea, coffee, rubber and cinchona plantations and that too only when there are certain numbers. I am sorry that the hon. Minister has left out of account sugar plantations with which I am most concerned,

An Hon. Member: Sugar is not a plantation.

Prof. S. L. Saksena: It is a plantation, there is no doubt about it. I am very sorry that a very large number of those workers with whose welfare I am intimately concerned will not get the benefits of this Bill. I still wish at the last moment if he could have extended it to sugar plantations also, so that the labour in U.P. and Bihar where thousands of workers are doing work in these plantations may also get these benefits. Anyway I will not grudge what has been granted to their brethren in the other plantations in other States.

The conditions of plantation labour have been so bad that they do not need to be described. I do not want to dilate upon them.

Shri Jagjivan Ram: Will you look to sub-clause (4) of clause 1 under which a State can apply it to any other plantations within the State?

Prof. S. L. Saksena: I have seen it. If those people had been included here I would have been assured. Now you have left it in the hands of some other people. Therefore I wish you had done it yourself. Anyway, if that clause is taken advantage of and they are also included in the scope of this Bill I shall be very happy.

I am very glad that the Bill is being applied to plantation labour and that they will get the benefit from it. I do not want to describe the conditions in which these workers are today. I can only say that agricultural labour is the most neglected today. The wages paid probably would not be sufficient even to feed one single man who works, let alone his family. The conditions were so bad that the wages were one pice and two pice sometimes. It may be four annas and six annas in some places now. I do not know whether there will be some rise in their wages also. But I may say that once it is applied to every labour in the plantations then the workers also will voice their demands and you cannot check that their demands should not be fulfilled. This is the beginning and I congratulate the hon. Minister on having brought this Bill before the end of Parliament and he was probably lucky to get it passed. I only wish to congratulate him on this Bill and commend it wholeheartedly.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

STATEMENT RE ESSENTIAL SERVICES (PREVENTION OF STRIKES) BILL

The Minister of States, Transport and Railways (Shri Gopalaswami): Sir, I wish to take only two or three minutes of the time of the House in making a very brief statement. That statement relates to the very last item on the agenda, namely, the Essential Services (Prevention of Strikes) Bill, which stands in my name. As the House is aware, I introduced a Bill on the 7th August, in order to put on the Statute Book an Act in terms of an Ordinance which had been issued previously. After the introduction of the Bill, I have not so far made any further motion. The exigencies of Parliamentary business have pushed this Bill down and down on the agenda till with very great effort I have been able to secure the last place on the agenda which is before the House today. I find that the business is still such that I may not be able to reach this item. I wish to apprise the House of the fact that after a great deal of negotiation between the Government and the All India Railwaymen's Federation, the Federation took a decision to stage a strike on the Railways on the 27th of August. Subsequently, we have had a number of talks between myself on the one hand and the President of the All India Railwaymen's Federation and his working Committee on the other; we have had a great deal of talks about a number of grievances which they brought to our notice and those talks are still continuing and will be resumed about the end of this month. The question now for me to decide is whether I should put Parliament to the inconvenience of sitting longer and beyond tomorrow for the purpose of passing this measure. Taking stock of the situation as it is at present, I have come to the conclusion that I would not put my hon. friends in the House to that inconvenience. The main reason is that this measure was intended to be a measure which will be on the Statute Book only for a temporary period. Secondly it was resorted to because Government were not prepared to contemplate a strike being declared on the Railways at a time when the general situation in many respects was of a most anxious character. First of all there was the Indo-Pakistan tension. There is some tension still but it has eased considerably for the time being. Whether it would again raise its head and give us trouble in the near future is more than I can say but at the present moment that tension has eased off a bit. We were also concerned a great deal about the movement of food from

the ports to the interior in order to meet the food situation in the country in different parts of it and so on. These movements are proceeding fairly smoothly and in view of the atmosphere that now prevails in the relations between Government and the All India Railwaymen's Federation, I do not expect that any obstacles will be thrown in the way of food movements in an easy fashion in the next few months. Taking these facts into consideration, I have come to the conclusion that I would not press Parliament to consider this Bill at the present moment. As a matter of fact, the Ordinance itself expired about the 17th of September, that is, six weeks after the Parliament commenced the present session and the two months' postponement which the All India Railwaymen's Federation has resolved on will expire about the 27th October. We shall be adjourning after tomorrow and the question may be asked what would happen if there is neither an Ordinance nor an Act on the Statute Book, after the Parliament adjourns. I do not myself expect, Sir, that we shall be faced with a situation of having to tackle a strike on the Railways between now and March next. I was so sure about it that I did ask the President of the All India Railwaymen's Federation to give me a kind of assurance that no strike would be called till about March next under any circumstances, but having consulted his colleagues on his own Working Committee, he has written to me to say that he feels very sorry that he is unable to give any assurance of that sort. All the same, I think, I am not at all in a position to say that the All India Railwaymen's Federation will call a strike before March next. I do not expect them to do so. If under any unforeseen contingencies, they do call a strike before that period, I shall, of course, have to ask the hon. the President to issue another Ordinance to meet the situation, if that becomes inevitable. So, Sir, I wish to make this statement and ask Parliament to excuse me from pursuing this Bill in the present session.

Shri R. Velayudhan (Travancore-Cochin): Am I to take it that the Bill is withdrawn?

Mr. Deputy-Speaker: Nothing is done with the Bill.

DISPLACED PERSONS (DEBTS ADJUSTMENT) BILL

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

"That the Bill to make certain provisions for the adjustment and settlement of debts due by displaced persons, for the recovery of

certain debts due to them and for matters connected therewith or incidental thereto, as reported by the Select Committee, be taken into consideration."

Sir, it is not with a sense of self-complacency that I move for the consideration of the Select Committee report on this Bill. This Select Committee report is almost a unanimous report. I say so for certain observations differing from some of the provisions of the Bill have been made by some hon. Members of the Select Committee. Some of them are conscience clauses and others are suggestions which do not actually relate to the provisions of this Bill and the fact that no notice of any amendments have been given by itself shows that by and large there is an agreement on the provisions of this Bill.

I would like to make some comments upon the changes that have been made by the Select Committee. The House will remember that when the question of referring the Bill to the Select Committee was under discussion some comments were made on clause 59, that is some hon. Members objected why we sought to repeal the Displaced Persons (Institution of Suits) Act of 1948 and the Displaced Persons (Legal Proceedings) Act of 1949 with respect to displaced persons who are coming from East Bengal. Clause 59 has been suitably amended and the portion of this Bill is now confined to displaced persons coming from West Pakistan. My hon. Friend, Mr. Guha has appended what I might call a conscience clause. When this Bill was under discussion here I gave a definite promise to the House that I will consult the States to which the displaced persons from East Bengal have migrated, about the necessity of legislating for those persons. I have addressed the West Bengal Government and.....

5 P.M.

Prof. S. L. Saksena (Uttar Pradesh): There is no quorum in the House.

Shri Sonahi (Punjab): There are 33 Members, Sir.

Mr. Deputy-Speaker: There is a quorum. The hon. Minister may go on.

Shri A. P. Jain: After the definite commitment in the House, I do not know if there was any necessity for making this observation.

Mr. Deputy-Speaker: Hon. Members may kindly come in; this is as cool as the lobby.

Shri A. P. Jain: They want some place which is hotter.

Mr. Deputy-Speaker: The hon. Minister must make the Bill interesting to all Members of the House. Now, there is ample quorum.

Shri A. P. Jain: Another important change that has been made in clause 17 deals with the pledge of moveable property.

[SHRIMATI DURGABAI in the Chair]

Shri R. K. Chaudhuri: (Assam: The House is thin. The hon. Member is leaving the House when there is a call for a quorum.

Shri A. P. Jain: Clause 17 deals with pledged moveable property. In the original clause, it was provided that if the sale proceeds of the pledged property are more than the amount of the debt due, then, the balance of the sale proceeds will be refunded to the debtor. But there was no provision as to what would happen if the sale proceeds fell short of the amount of debt. It has been provided that the balance will not be recoverable. Another important change in clause 17 relates to cases where the possession of the property is in the hands of the debtor, but the creditor exercises some control over it; that is, when the property cannot be alienated or transferred without the consent of the creditor. There may be a clear case where the property is in the hands of the creditor; there may be another clear case where the property is in the hands of the debtor and is hypothecated, and the creditor has no control or he cannot restrain the transfer of property. There are intermediate cases where the property is in the hands of the debtor, the debtor holds the property on behalf of the creditor and he cannot transfer the property to a third person without the express consent or permission of the creditor. *Explanation I* makes it clear that in this class of cases, the property will be deemed to be in the possession of the creditors.

A third important change relates to certain transactions in the nature of hire purchase of motor vehicles and other moveable properties. In such cases, the property is generally in the possession of the debtor and he can make use of it, but the property stands in the name of the creditor. The debtor is debarred from dealing with that property by way of transfer. It has been made clear by *Explanation II* that in such cases the motor vehicles or other property which is the subject matter of hire purchase will be deemed to be in the possession of the creditor. I dare say that these are all very healthy changes. They make up certain lacunae which had been left in the original Bill.

[Shri A. P. Jain]

Another important change relates to clause 29. This clause relates to interest. Originally, it was provided that after the 15th August, 1947, no interest shall accrue or be deemed to have accrued in respect of any debt owed by a displaced person. Two provisos have been added. One relates to cases where shares, stocks, Government securities or stocks of local bodies are pledged. In such cases, it will be permissible for the Tribunal to award interest to the creditor at the rate mutually agreed upon or at a rate at which any dividend or interest has been paid or is payable in respect thereof, whichever is less. Another proviso has been added that if the Tribunal is of the opinion that it is just and proper to do so, after taking into account the paying capacity of the debtor, the Tribunal may award simple interest at a rate not exceeding four per cent. per annum. The third exception which has been made relates to cases where either an Insurance company or the creditor advances a loan for the payment of premium on an Insurance policy in order to keep that policy alive. In such cases, it is open to the Tribunal to award interest.

These provisions are certainly of a controversial nature. My hon. friend Mr. Sidhva has added, what might be roughly described as a minute of dissent, in which he says.....

Shri B. Das (Orissa): Why bother about him? He is on your side now.

Shri A. P. Jain: He would not agree to any of these exceptions. He says that at any rate interest exceeding two per cent. should not be allowed. Mr. Sidhva has been elevated to the Treasury Benches.

Shri J. R. Kapoor (Uttar Pradesh): And may be supposed to have withdrawn his minute of dissent.

Shri A. P. Jain: It is not perhaps necessary for me to deal at length with the minute of dissent.

Another very important change has been made by the incorporation of clause 51 in its present form in replacement of the old clause 52. The House will remember that in the original Bill it was provided that any compromise or arrangement arrived at by a bank, which is under a scheme of arrangement under section 153 of the Indian Companies Act, with its debtors, could be modified in accordance with the provisions of this law and the bank in its turn could seek modification of its own scheme of arrangement accordingly. It was felt by the Committee that it will not be in the public interest to

reopen any compromise or arrangement which has been arrived at whether before or after the commencement of this Act between a displaced person and a bank relating to payment, discharge or satisfaction of any debt owing by the displaced debtor to the bank provided that the bank is one which is under a scheme of compromise or arrangement under section 153 of the Indian Companies Act. It has further been expressly provided that exemptions from attachment and sale of properties specified in clause 31 of the Bill will be applicable to such persons namely that in the case of displaced agriculturists, houses necessary for their residence and tying cattle, etc., will be exempted from attachment and sale and in the case of urban displaced persons, residential houses will be exempted from sale. In either of the two cases, property or business yielding as income of Rs. 250 a month or Rs. 3,000 a year will be exempted from sale. I believe that perhaps these banks stood to gain more under the original clause, but they want the modification and the Select Committee has agreed to that modification. I am very doubtful whether they will gain more by this modification. Nonetheless, if it gives them satisfaction without loss to the debtor, there is no harm in accepting a compromise of that nature. These are the major changes.

The other important changes are with regard to clause 2(10) about the definition of "displaced person". In the original Bill the 'displaced banks' were excluded from the definition of displaced persons. Now a 'displaced bank' has been defined in part (7) of clause 2 as:

"a banking company which, before the 15th day of August 1947, carried on the business of banking, whether wholly or partially, in any area now forming part of West Pakistan and is declared to be a displaced bank within the meaning of this Act by the Central Government by notification in the Official Gazette";

It would have meant that all the liabilities, fixed deposits and time liabilities with banks which had not been included in the schedule in which displaced persons had made those deposits either for fixed terms or for which fixed notices were necessary, would become immediately payable. That might have had an adverse effect on our banking system. Now we have provided that all banking companies will be excluded from the definition of displaced person.

In clause 9, it has been expressly provided that the Tribunal shall have the power to determine whether an applicant is a displaced person or not. This is an important change. But it does not change the substance of the law. It only makes the provision more clear and express.

The change in clause 10, that is to say, confining the right to put in an application to only displaced persons is a consequential change, consequent to the change which we have made in clause 51.

In clause 11 it has been provided that a displaced debtor shall not transfer his immovable property without the permission of the Tribunal pending the satisfactory fulfilment of any decree passed against him. Now, an examination of the scheme of the law will show that ordinarily the debtor will be called upon to pay his debts by instalments. It may be that a dishonest debtor may transfer his assets and by the time the instalment becomes recoverable through the process of execution, there will be no assets left. It was not possible without detriment to the economic status of the debtor to place any limitation on the transfer of his moveable property or business assets. But with regard to immovable property we have done so. Now, this is not an absolute bar. If a displaced debtor wants to transfer his property he can do so with the permission of the Tribunal. But the Tribunal will see that the rights of the creditors are duly protected.

The change in clause 19 is another important change. That clause provides that wherever partly paid-up shares of the displaced persons have been forfeited by any company for the reason that the displaced person was unable to pay any call that was made subsequent to his becoming a displaced person, the person will benefit by this clause and any forfeiture made will be declared void. It may be possible that some shares forfeited in this manner might have been transferred to a third party. In such cases it would be very hard if these shares are taken back from the third party or that is to say, the transfer to the third party is declared void. The shares may have varied in value and all kinds of complications would have arisen. We have found a simple formula to see that wherever it is not possible for the company to give shares equivalent to the forfeited shares to the displaced person, the articles of the association of the company will be deemed to have been altered and the shares capital of the company will be correspondingly increased.

Clause 21 also incorporates an important change. It provides that any settlement arrived at before the commencement of this Act between insurance companies and displaced persons or displaced banks shall not be reopened. There are all kinds of complications in the case of insurance companies. General insurance companies generally re-assure their policies with some foreign companies. If final settlement has been made in any case and if that case is reopened, the foreign company with which the re-assurance was made might, under the terms of the contract, not be liable to pay any more money. That would have meant that the whole burden would have fallen on the insurance companies here. Taking all the factors into account, we thought that it was appropriate that we must expressly provide that no such settlement will be reopened.

There are two important changes in clause 22. Clause 22 deals with joint debtors. It did not originally cover the case of joint Hindu families. But now it has been provided that where the debt was taken by a joint Hindu family, the members of the joint Hindu family shall be deemed to be joint debtors within the meaning of this section "and the debt shall be apportioned amongst the members thereof in the same proportion in which shares would be allotted to them on partition." There might be a case where of four brothers, one might have been living in Pakistan and is a displaced person and the rest three resident in India and still residents and nationals of India. In such cases one-fourth of the debt shall be treated as debt which comes under the purview of this law and not the remaining three-fourths.

In cases where moveable and immovable properties are jointly pledged for the payment of any debt, the debt shall be apportioned between the two properties in the same proportion as the value of each property bears to the total value of the properties.

We have also provided for the case of guarantee brokers who would stand *part passu* with other sureties. There is a somewhat important change in clause 31. The Select Committee felt that in certain cases a part of the business may have been created out of a rehabilitation loan advanced by the Government, while the other part may have been created by private funds. In such cases if the two parts are severable, the Tribunal shall have the power to treat that part of the business which has been created out of

[Shri A. P. Jain]

the rehabilitation loan as the protected business and the remainder as non-protected.

Clauses 40 and 41 deal with appeals and we have made important changes in them. In the original clauses there were all kinds of provisos and exceptions and now we have provided one appeal in all the cases against any final decree or order of the tribunal and also

"any order made in the course of execution of any decree or order of the Tribunal, which if passed in the course of execution of a decree or order of a civil court would be appealable under the Code of Civil Procedure, 1908".

Clause 41 provides an exception; where the subject matter of the appeal is money but the amount involved is less than Rs. 5,000, no appeal shall lie.

Lastly I will refer to clause 49, which deals with transactions which have been finally settled. Originally it was provided that where a debt payable by a displaced person has been fully discharged, the creditor shall under no circumstances be called upon to make any repayment to the debtor. There might be cases where a claim may have been partially discharged but not wholly. When the provisions of this law are made applicable to the case the amount already paid may be found to be in excess of amounts payable under this law. In such cases we have now provided that no repayment will be made.

There are other minor changes to which I need not refer in my speech.

In respect of clause 17 my hon. friend Dr. Tek Chand has appended a note in the nature of what I might again describe as a conscience clause. He objects to it on principle. I am sorry that I do not see eye to eye with him but it is not necessary to enter into the controversy, because in spite of the differences in outlook and approach Dr. Tek Chand has been generous enough not to move any amendment. My friend Mr. Sondhi is also a party to it and he has also been equally kind in that respect. Pandit Bhargava has appended a note, which is more in the nature of a general discussion about certain aspects of indebtedness connected with Partition. It will be observed that this Bill is confined to displaced persons. Pandit Bhargava has drawn attention and rightly too to certain cases where a debtor has been residing in India and is residing in India and yet owned

certain movable properties in Pakistan and did certain transactions of the nature of borrowing or lending there. We have provided in this Bill that where a person is a resident of India but has borrowed any money on the security of his immovable property in Pakistan, he will be entitled to certain reliefs under this Bill. He will be treated as a displaced person. But we have not provided for cases where a debt which has been incurred by a national of India in Pakistan was a simple debt and the person owned certain movable properties there which had been left behind and thus is unable to benefit himself out of them. We considered this case but there are so many difficulties involved that we could not bring them within the scope of the Bill and if we had tried to do it, it would have led to many more complications.

He has also drawn attention to cases where persons of this class may have raised a certain amount on the pledge of their movable property in Pakistan and they also did not come under the provisions of this Bill. A close examination of the provisions of the Bill show that we have not connected the reduction of debt with the movable property there. Where immovable property was involved we have applied the principle of reduction. The reason was more administrative and practical than one based on principle. Today it is impossible for us to find out what was the extent of the movable property owned by a particular person which he has lost. It is almost impossible of calculation. If we had taken into account the movable property or those parts of it that have been lost, we would have created a complication which it would not have been within the power of the Tribunal to decide and that may have made practically the whole of this law infructuous.

I do feel that the matters to which Pandit Bhargava has drawn our attention are worth consideration but I submit they are not within the scope of the Bill and require much closer examination and I am not sure whether even after that we shall be in a position to find out a solution. There are many desirable things which we should do but which are not within our power to do.

I will not take more of the time of the House but before I conclude I must express my thanks for the manner in which the members of the Select Committee applied themselves to this Bill. They sat on Sundays and twice and thrice on the same day. In particular

I am grateful to the Chairman who spared no pains and but for whose guidance and application of expert technical knowledge it may not have been possible to see the end of our labours so soon. Most of the changes made in this Bill bear the stamp of his genius.

Speaking for myself, I feel a little unhappy about certain changes, but compromise is of the essence of democracy, and by a spirit of give and take we have been successful in evolving a more or less unanimous report on a Bill which covers so many different aspects of indebtedness. I dare say there are very few pieces of legislation, perhaps hardly any, on our Statute Book which deal with so many varied and different aspects of indebtedness as this Bill does. It goes to the credit of the members of the Select Committee that they approached the problem in a practical spirit and presented the House with a unanimous report. I also thank the House for the indulgence which hon. Members have been showing to me, a very kind indulgence, because it is something to be proud of, something unique that a Bill which covers so many aspects of indebtedness is being accepted by the House unanimously.

Mr. Chairman: Motion moved:

"That the Bill to make certain provisions for the adjustment and settlement of debts due by displaced persons, for the recovery of certain debts due to them and for matters connected therewith or incidental thereto, as reported by the Select Committee, be taken into consideration."

Shri A. C. Guha (West Bengal): I have only one remark to make about this Bill. The hon. Minister has referred to my note of dissent as something like a conscience clause. In fact, he has characterised all the notes of dissent as conscience clauses. I do not think the hon. Minister will consider conscience as something redundant or something not to be proud of. What I have stated in my note is that some of the provisions of this Act should also be extended to the refugees from East Bengal. During discussion on the motion to refer the Bill to a Select Committee, an impression was given that the West Bengal Government did not express any desire that any of its provisions should be extended to the East Bengal refugees. But I find that on 20th March the West Bengal Government wrote a letter to the Rehabilitation

Ministry in reply to their circular, and in that letter they have stated:

"As regards the protective measures, it is felt that there is full need for provisions giving the displaced persons protection against passing decrees and execution of existing decrees except, of course, Government claims."

They stated there that some provisions of this Act might be extended to the East Bengal displaced persons. Again, I have received a note from them, dated 23rd August, in which they have stated:

"It is however extremely desirable that the common benefits should be extended to the East Pakistan refugees as well and provision for reduction of liabilities and concessions in respect of the execution of decrees may be provided in a different way within the framework of the Indo-Pakistan Agreement."

I would only like to remind the hon. Minister of the commitment which he made during his previous statement on the subject in this House that at the earliest opportunity he would bring forward a Bill to provide similar facilities for the East Bengal refugees as has been suggested by the West Bengal Government.

I support the Bill. It is a good measure for giving relief to the refugees most of whom have lost everything by their migration; whether they have come from East Bengal or from West Punjab, their suffering has been more or less on the same lines and so any measure giving relief to them is welcome to me and to the House.

Shri Shiv Charan Lal (Uttar Pradesh): I shall be very brief in my congratulations to my hon. friend for bringing forward this Bill. This Bill is not a very simple measure; it comprises of amendments to the Civil Procedure Code, amendments to the Transfer of Property Act, amendments to the Evidence Act, and practically to all the civil laws, in order to give relief not only to the debtors but also some relief to the creditors. Although my friend has been very anxious to give relief to those debtors who have left and lost their everything in Pakistan, he has also been anxious to see that the creditors also are not unnecessarily burdened or unnecessarily punished, that they do not lose if they can realise something from the debtors. I had been personally of opinion that the debts of those who had simple debts should be wiped off but the argument of my friend, the hon. Minister has changed my idea and I think where the

[Shri Shiv Charan Lal]

creditors can realise easily from the debtors they should be allowed to do so. The Urdu proverb : 'साकी भी खूश

रहे और खुश रहे सैय्याद भी' has been

proved true by my friend, the hon. Minister. There was certainly great difficulty in adjusting on the one hand the demands of the creditors and on the other hand the plight into which the debtors were put by their leaving everything in Pakistan. Certainly it was not easy to make those adjustments. There may be some hard cases to which the rule may not be applicable, but generally speaking and looking at the vast majority of the debtors, this Bill certainly is a great relief. Firstly, the ordinary courts and the ordinary law would not have given them so much relief. It would have required of them a lot of expenditure and they would have been burdened with the decree and its execution much before they would have been in a position to pay off. Now, according to this Bill the debts are to be looked into again, whether there has been a decree for them or not, by special courts called Tribunals. Those special courts will take much less time because that will be the only work given to them, and the parties who make the applications will not be required to pay the court fees in order to bring the matter before those courts. When the decrees are passed the amount that will be decreed will not be the final amounts which the debtors will be required to pay: first of all, their capacity to pay will be investigated; their present status and the former status will be looked into; the former value of the property mortgaged will be looked into as also the present value; and accordingly the amount of the debts will be decreased. Then that decreased amount will be considered the debt which the debtor will be required to pay. In the case of mortgaged property, the decree will be there, but the payment will begin only when the debtor gets something out of the claims he has filed for the property which he has left in Pakistan. In this way, several reliefs have been given through this Bill. I need not go into every one of them, because they have already been explained by the hon. Minister. Every point was thrashed out in the Select Committee, which was given sufficient time, and worked under the able guidance of its Chairman. It looked into every fact and has produced a decent Bill.

I wholeheartedly support the Bill and think that there is not a single clause which requires to be amended.

Mr. Chairman: Has the hon. Minister got to say anything?

Shri A. P. Jain: I have nothing to add, Madam.

Mr. Chairman: The question is:

"That the Bill to make certain provisions for the adjustment and settlement of debts due by displaced persons, for the recovery of certain debts due to them and for matters connected therewith or incidental thereto, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Chairman: We shall proceed with the clauses. There are no amendments to clauses 1 to 42.

Clauses 1 to 42 were added to the Bill.

Clause 43.—(Registration of certain societies and companies under Indian Law).

Shri A. P. Jain: There is a printing error in line 45 on page 18. I beg to move:

In page 18, line 45, after "one-third" insert "per cent".

Mr. Chairman: The question is:

In page 18, line 45, after "one-third" insert "per cent".

The motion was adopted.

Mr. Chairman: The question is:

"That clause 43, as amended, stand part of the Bill."

The motion was adopted.

Clause 43, as amended, was added to the Bill.

Clauses 44 to 59 were added to the Bill.

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

Shri A. P. Jain: I beg to move:

"That the Bill as amended, be passed."

Mr. Chairman: The question is:

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

The motion was adopted.

ANCIENT AND HISTORICAL MONU-
 MENTS AND ARCHAEOLOGICAL
 SITES AND REMAINS (DECLARA-
 TION OF NATIONAL IMPORT-
 ANCE) BILL—concl'd.

مسٹر آف ایجوکیشن (مولانا آزاد):

اگست میں جب یہ بل پیش کیا گیا تھا، تو آپ کو یاد ہوگا کہ دو سوال اٹھائے گئے تھے۔ ایک یہ کہ کیا یہ ممکن نہیں ہے کہ تمام پرانی جگہوں کی لسٹ پیش کرنے کی جگہ ایک تجویز اس مطلب کی پارلیمینٹ منظور کر دے کہ پارٹ ڈی، اسٹیٹس کی جتنی جگہوں نہشل امپارٹنس کی ہیں یا نہیں، ان پر سنہ ۱۹۰۲ء کا ایکٹ عائد ہو جائے، اور انکی نگرانی اور حفاظت سنٹرل گورنمنٹ کے ذمے رکھی۔

دوسرا سوال یہ چھڑا گیا تھا کہ بعض جگہیں پارٹ ڈی، اسٹیٹس کی ایسی رکھی گئی ہیں جو فی الحقیقت نہشل امپارٹنس کی نہیں ہیں، اور بس جگہیں ایسی چھوڑ دی گئی ہیں۔ جنہیں ضرور نہشل امپارٹنس کا قرار دینا چاہیے۔

جہاں تک پہلی بات کا تعلق ہے، مجھے معلوم تھا، کہ جن لفظوں میں یہ بات دفعہ ۶۷ میں رکھی گئی ہے، یعنی صرف بائی پارلیمینٹ (By Parliament) ہی نہیں لکھا گیا ہے، بلکہ د بائی لا (By law)

لکھا گیا ہے۔ اس کے بعد یہ ممکن نہیں کہ محض ایک تجویز منظور کر کے معاملہ کو ختم کر دیا جائے۔ جب تک ایک ایک جگہ کا نام نہ لیا جائے اور اس جگہ کے لئے پارلیمینٹ منظوری نہ دیگی، قانوناً معاملہ کا فیصلہ نہیں ہو سکتا۔ تاہم جب یہ سوال اٹھایا گیا اور بعض دوستوں نے خیال کیا کہ ایسا کیا جا سکتا ہے تو میں نے مناسب سنجھا کہ لا مسٹری کو پھر موقعہ دیا جائے کہ معاملہ کے اس پہلو پر غور و فکر کرے، اور دیکھے کوئی اس طرح کی صورت نکالی جا سکتی ہے یا نہیں؟ چنانچہ بل پر بحث ملتوی کر دی گئی اور لا مسٹری کو بل بھیج دیا گیا کہ وہ مزید غور و فکر کرے۔ لا مسٹری نے اس پر پوری طرح غور و فکر کیا، اور اب اس کی رپورٹ میرے سامنے ہے۔ لا مسٹری اسی نتیجے پر پہنچی ہے جس کا نتیجہ اندیشہ تھا۔ وہ لکھتی ہے کہ جب تک کانستبل ٹیوشن کی اس دفعہ میں ترمیم نہیں ہوتی اسکے سوا چارہ نہیں کہ ایک ایک عمارت اور ایک ایک جگہ کا نام لیا جائے اور اس کی منظوری پارلیمینٹ سے حاصل کی جائے۔ ایسی حالت میں اب اس کے سوا چارہ نہیں رہا کہ جس روپ میں یہ بل پیش کیا گیا ہے، اسی پر آپ غور کریں اور اسے منظور کریں۔

[مولانا آزاد]

جہاں تک دوسرے بات کا تعلق ہے، گورنمنٹ نے خیال کیا کہ یہ مناسب ہوگا کہ وہی اسٹیٹ کے جو ممبر یہاں موجود ہیں، ان سے اس بارے میں مشورہ کر لیا جائے۔ چنانچہ ایک ایک اسٹیٹ کو سامنے رکھ کر مشورہ کیا گیا۔ مشورہ کرنے کے بعد کچھ جگہیں بڑھائی گئیں، ایک دو جگہیں کھٹائی گئیں۔ اس اثنا میں یہ بات بھی معلوم ہوئی کہ بعض جگہوں کا نام جو ہم نے اسٹیٹس کی رپورٹ کے مطابق لکھا تھا وہ صحیح نہیں ہے۔ انہوں نے وہی نام لکھ دیا تھا جو انگریزی طریقہ پر پچھلے دنوں بولا جاتا تھا اور لکھا جاتا تھا۔ حالانکہ ہندوستانی لپ و لہجہ ادا کرنے کے لئے ان کا اسپیلنگ (spelling) دوسرا ہونا چاہیئے۔ مثلاً 'د' اور 'دے' کی آواز کے لئے ہم اب 'دے' (u) کا حرف لکھا کرتے ہیں۔ پیلے ڈبل او (oo) لکھا کرتے تھے۔ چنانچہ بعض ناموں کے اسپیلنگ میں اس طرح کی تبدیلیاں ضروری معلوم ہوئیں اور وہ کر دی گئیں۔ کچھ جگہوں ایسی تھیں کہ۔۔۔۔۔ معلوم ہوا، اسٹیٹ گورنمنٹ نے کسی وجہ سے ان کا پورا نام لکھنا ضروری نہیں سمجھا تھا۔ صرف وہ تک لکھا گیا تھا جو زبانوں پر چڑھا گیا ہے۔ مناسب سمجھا گیا

کہ انکا پورا نام لکھ دیا جائے۔ مثلاً 'د' کاررواں سرٹے کے لئے پہلے صرف 'د' سرٹے لکھا گیا تھا۔ اب آپ میری ترمیم میں دیکھیں گے کہ 'د' کاررواں سرٹے کر دیا گیا ہے۔ کچھ جگہیں ایسی بھی معلوم ہوئیں جن میں چھپائی کی فطری وہ گئی تھی۔ مثلاً 'د' حسام، میں آخری 'د' ایم کی جگہ 'د' این، چھپ گیا تھا۔ اب اسے درست کر دیا گیا ہے۔

یہ تمام تبدیلیاں اب اسی طرح کی جا سکتی تھیں کہ خود گورنمنٹ کی طرف سے بل میں ترمیمیں پیش کی جائیں اور وہ منظور ہو جائیں۔ چنانچہ ان تمام تبدیلیوں کو ترمیم کے روپ میں مرتب کر کے پیش کر دیا گیا ہے۔ جس کی کاپیاں آپ کے ہاتھ میں ہیں۔ آپ دیکھیں گے کہ اس میں پانچ امینڈمنٹ مہرے نام پر لکھے گئے ہیں لیکن دراصل وہ پانچ امینڈمنٹ نہیں ہیں۔ ایک ہی امینڈمنٹ ہے جسے پانچ حصوں میں تقسیم کر دیا گیا ہے۔ چونکہ اس سے پہلے ۱۱ امینڈمنٹ بعض ممبروں کے اچکے تھے، اس لئے میرے امینڈمنٹ کا نمبر ۱۲ قرار دیا گیا ہے۔ ۱۲ سے ۱۷ تک یہ امینڈمنٹ چلے گئے ہیں جنہیں میں اب ایک امینڈمنٹ کے روپ میں پیش کرتا

ہوں جو ۱۱ ترمیموں میں ترمیم سے پہلے درج کی گئی تھیں، ان کی اب کوئی ضرورت نہیں رہی۔ کیونکہ میسرے ترمیم میں تمام ضروری تبدیلیاں آگئی ہیں۔ میں ان ترمیم پیش کرنے والے دوستوں سے درخواست کرونگا کہ وہ اب ان پر زور نہ دیں۔

میں آپ سے یہ بھی درخواست کرونگا کہ اب ہمیں فہر ضروری بحثوں میں نہیں پونا چاہیے کیونکہ آپ کو معلوم ہے، وقت کی کمی نے کس طرح ہمیں مجبور کر دیا ہے، یہ تھوڑا سا وقت جو اس بل کے لئے نکالا گیا ہے، اس کا نکالنا بھی تقریباً ناممکن ہو گیا تھا۔ اگر یہ بل اس وقت منظور نہیں ہو جاتا، تو وہی پارٹ اسٹیٹوں کی تمام پرانی یادگاروں کی دیکھ بھال اور درستگی کا کام سہیلوں کے لئے رک جائیگا۔

(English translation of the above speech)

The Minister of Education (Maulana Azad): You will recall that two issues were raised at the time when this Bill was first taken up in August last. It was then asked whether instead of submitting a list of all the archaeological sites, would it not be possible for the Parliament to pass a motion whereby the 1904 Act could be made applicable to all places of historical importance in Part 'B' States and that would entrust their supervision and care to the Central Government. Another issue raised was that certain places in Part 'B' States, which were not, really speaking, of national importance were included in the list while others which were of national importance have been left out and they should be declared places of national importance.

So far as the first suggestion is concerned, I knew that the words of clause 67 are not merely "by Parliament", but that the words "by law" also occur there. Considering this fact, it was not possible to dispose of the matter by adopting a mere motion. Unless each place is mentioned separately and Parliament's approval obtained to that, the matter cannot be considered as decided legally. Nevertheless, when this issue was raised and certain hon. friends thought it to be a possible course, I deemed it proper to refer it once again to the Ministry of Law to consider this aspect of the issue and just explore the possibility or otherwise of finding a way out. The discussion on the Bill was as such postponed and it was referred to the Ministry of Law for further consideration. They gave it a thorough examination and their report on the issue is before me at the moment. The conclusion reached by that Ministry has confirmed my apprehensions. They have reported that unless the relevant Article in the Constitution is amended, there is no other way out but to mention each place separately and then seek Parliament's approval for that. Under such circumstances, there is no other alternative but to consider and pass this Bill in its present form.

Regarding the second issue, the Government thought it proper to consult the hon. Members of this House who were present here and who belonged to Part 'B' States. Each State was, therefore, consulted separately. As a result of these consultations, some more places were included while one or two were omitted. Meanwhile it was discovered that names of certain places which we wrote in accordance with the reports of the States, were not correctly written. They had adopted the same spellings which were in use in the British days for reading and writing purposes despite the fact that those spellings were not according to the Indian pronunciation; for instance, we are now accustomed to write the letter (u) to pronounce too, whereas the previous practice was to write the letter o in double. Certain alterations of this type were considered to be necessary in the spellings of certain names and they have, accordingly, been made. There were some other places, the names of which were not supplied by the State Governments in full for some reason or the other. They had stated only that part of these names which was generally spoken by the people. But now it was thought proper to write them in full. To provide an instance, previous-

[Maulana Azad]

ly only the word 'Serai' was written for 'Caravan Serai'. You will find in my amendment that it has now been changed to 'Caravan Serai'. Printing mistakes were also discovered in respect of some other places; for example in writing 'Hamam' the last letter 'm' was printed as 'n'. This mistake has now been set right.

All these alterations could be effected only if the Government themselves moved amendments to the Bill and the same accepted by the House. They have, therefore, been put before the House in the form of an amendment, copies of which are at present in your hands. You will find that five amendments stand in my name therein. But actually these are not five; it is only one amendment which, at present, stands split up in five parts. As certain hon. Members had given notices of eleven amendments prior to me, my amendment has, therefore, been placed at number twelve in the list. These amendments cover serial numbers 12 to 17 in the list. I move them now as one amendment. The preceding eleven amendments in the list are no longer

Shri B. Das (Orissa): I wholeheartedly support the Bill moved by my hon. friend, the Education Minister. The object of this Bill is that the Government of India want to take upon themselves the responsibility of maintaining certain ancient and historical monuments in Part A and Part B States. Going cursorily through the list, I find that in Madhya Pradesh and Saurashtra there are certain monuments which can safely be maintained by these States. Whatever may be the money which the Government of India would provide for the maintenance of these monuments, I hope they will see to it that the State Governments do not abrogate their responsibility and throw all responsibility on the Central Government.

श्री भट्ट: सभानेत्री जी में सिर्फ माननीय मंत्री जी का ध्यान इस तरफ दिलाना चाहता हूँ कि उन्होंने राजस्थान की कुछ जगहों के बारे में जो कि छूट गई है आश्वासन दिया है। मुझे आशा है कि वह इस के बारे में और विशेष गहराई से जांच करवायेंगे और जो जगहें छूट गई हैं उन के लिए कोई और बिल लायेंगे।

[**Shri Bhatt (Bombay):** I want only to draw the attention of the hon. Minister to the assurance he has given regarding certain places in Rajasthan which have been left out from the present Bill. I hope he will direct a closer scrutiny in this matter and subsequently introduce a separate Bill concerning them.]

مولانا آزاد: ہم نے پوری کوشش کی ہے کہ راجستھان کے دوستوں سے گفتگو کر کے جو کچھ بڑھانا کہنا تھا - اُسے پوری طرح اِتھام دیدیں - آئندہ بھی ہماری کوشش جاری رہے گی -

[**Maulana Azad.** We have made efforts to incorporate in this Bill all the additions or deletions that were decided as a result of consultations held with the hon. Members from Rajasthan. These efforts will continue in future also.]

مولوی واجد علی: جناب صدر صاحبہ - میں مولانا صاحب کی توجہ اس طرف دلانا چاہتا ہوں کہ میں نے اس میں پہلے بھی ایک امینڈمنٹ دیا تھا خواجہ سلطان فیات الدین کی درگاہ کے بارے میں - یہ آسام میں ہے - اور اس کے ایک پتھر پر اس کے لئے کچھ زمیں اور جاگھر دئے جانے کے بارے میں لکھا ہوا ہے - اس پتھر کو ایک مسجد میں لگایا ہوا ہے - جو کہ ویران پڑی ہے - اس کو اینڈھمنٹ (Ancient Monu- مانومنٹس ments) کے اندر نہیں لایا گیا ہے - وہاں کچھ جائداد کا نقرن ہو رہا ہے - میں نے پہلے بھی ایک امینڈمنٹ دیا تھا کہ اس کو بھی شہول

(Schedule) میں لیا جائے۔ اور میں
 مولانا صاحب سے درخواست کرتا ہوں
 کہ اس کو بھی شمول میں لیا جائے۔

[Maulvi Wajed Ali (Assam): I wish to draw the attention of the hon. Maulana to an amendment tabled by me. It concerns the Durgah of Khwaja Gias-ud-Din in Assam. An inscription on a stone, which is lying in a desolate mosque there, refers to some land and jagir endowments made in the past by the Begum of Shah Shuja. The said Durgah has not been included in the ancient monuments. Some damage is being caused to the property there. Earlier I had tabled an amendment to include it in the Schedule and I request the hon. Maulana to agree to its inclusion.]

Mr. Chairman: The question is:

"That the Bill to declare certain ancient and historical monuments and archaeological sites and remains in Part A States and Part B States to be of national importance and to provide for certain matters connected therewith, be taken into consideration."

The motion was adopted.

Clauses 1 to 3 were added to the Bill.

The Schedule

Amendment made:

In page 2—

(i) line 32, for "Gyrespur" substitute "Gyaraspur";

(ii) line 33, for "Bijramath" substitute "Bajramath";

(iii) line 38, for "Udayashwar" substitute "Udayeshwar";

In page 3,—

(i) line 5, for "Brick temple" substitute "Brick temples (two)";

(ii) line 9, for "Siddheshwar" substitute "Siddheshwar";

(iii) line 9, for "Namawar" substitute "Nemawar";

(iv) line 18, for "Baz Bahadur's temple" substitute "Baz Bahadur's palace";

(v) line 26, for "Compound wall" substitute "Nahar Jharokha Compound";

(vi) line 33, for "Ekthumba" substitute "Ek-khamba";

(vii) line 36, for "Gadi Darwaja" substitute "Gadi Dharmaja";

(viii) line 37, for "Hamman" substitute "Hammam";

(ix) line 42, for "Jahaj Mahal" substitute "Jahaz Mahal";

(x) line 51, for "Mahal" substitute "Jall Mahal";

In page 4,—

(i) line 5, for "Mahar Jharoka" substitute "Nahar Jharoka";

(ii) line 19, for "Sarai" substitute "Caravan sarai";

(iii) line 36, for "Water Palaces" substitute "Water Palace";

(iv) line 37, for "Gird" substitute "Gwalior";

(v) line 40, for "Ghause" substitute "Ghaus";

(vi) line 42, for "Badhi" substitute "Budhi";

(vii) line 43, after "Chanderi Fort" add "and";

(viii) line 46, for "Budal" substitute "Badal";

In page 5,—

(i) line 8, for "Kahadwaha" substitute "Kadwaha";

(ii) after line 18, insert:

"105 (a) Chauhara Dera Un";

(iii) line 27, for "Sondhi" substitute "Sondni"; and

(iv) after line 40, insert:

"125. Surwaya Gadhi Do";

In page 7, after line 15, insert:

"63(a) Tipu Sultan's Mausoleum Do"

In page 8, line 42, after "Jawahar Burj" add "and ashtadhatu gateway";

In page 9,—

(i) after line 19, insert:

"42(a) Harshnath temple Harshnath-Sikar";

(ii) after line 32, insert:

"54(a) Ranthambhore fort Ranthambhore"; and

(iii) after line 50, insert:

"67(a) Temple, fort Dara or Mukan-dara and statutes dara";

In page 10, after line 45, add:

"23. Vastupal temple Junagadh
 24. Varaha Mandir Kadwar";

In page 11, line 45, for "Gyrespur" substitute "Gyaraspur";

In page 12,—

(i) line 8, for "Kesrawad" substitute "Kasrawad";

(ii) line 9, for "Shivapuri" substitute "Gird"; and

(iii) line 12, for "Ancient Mound" substitute:

"Ancient mounds, viz., Bhairo Gadh, Vaishya Tekri, Kumbhar Tekri".

(iv) after line 28, insert:

"1 (a) Ancient site Bhangadh";

(v) after line 42, add:

- "12(a) Ancient mounds (3) Kalibanga
 12(b) Ancient mound Pilibanga
 12(c) Ancient mound Baror (Anupgarh Tehsil)
 12(d) Ancient mounds (2) Binjor (Anupgarh Tehsil)
 12(e) Ancient mound Chak 86 (Do)
 12(f) Ancient mounds (2) Mathula (Do)
 12(g) Ancient mound Tarkhanewala Dera (Do)"

In page 13, after line 17, insert:

"23(a) Excavated sites Bairat and Sambhar District Jaisalmer

23(b) Ancient site Lodruva Patan".

—[Maulana Azad]

The Schedule, as amended, was added to the Bill.

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

مولانا آزاد : میں یہ تصحیح کرتا ہوں کہ اسے منظور کیا جائے جیسا کہ یہ ترمیم کیا گیا ہے ۔

[Maulana Azad: I beg to move:

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

Mr. Chairman: The question is:

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

The motion was adopted.

6 P.M.

MOTION RE FIVE YEAR PLAN

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I beg to move:

"That the draft outline of the First Five Year Plan prepared by the Planning Commission, be taken into consideration."

This Plan was issued to the public a little over three months back, round about the 9th of July. Ever since then it has been widely circulated to all kinds of organisations and associations, industrial, labour, financial,

educational and many other. Members of Parliament have had occasion. I hope, to read it and consider it. Apart from the reading of it, the Planning Commission had discussed it with many Members of Parliament and representatives of organisations. In preparing this plan, it was the desire of the Planning Commission to have as large a measure of consultation as possible and indeed the plan was the result of that large measure of consultation with representatives of various groups, political and other. I lay stress on this because we have never looked upon this, certainly the Planning Commission has never looked upon this as a Plan confined to any particular group or party, however big or important it might be. They have always thought of it in terms of a national plan which should represent a very large consensus of opinion in the country. Of course to say that any plan should meet with unanimous approval would be a little fantastic. Opinions vary; many people want more to be done; many people think this goes too far. Nevertheless, the Planning Commission did try and I think they achieved a measure of success in the attempt, to get a large consensus of opinion and to put something down which is not only workable but which is workable by large numbers of people. If some people, some groups or parties think that this does not go far enough, so far as I am concerned, I welcome their opinion in that matter. They desire to go further ahead. Even that does not prevent or come in the way of their and our working together in implementing this Plan. This Plan deals with the Governmental aspect, the Central Government, the State Governments, but any planning, it must always be remembered, is something much more than Governmental planning. This Plan will not succeed if it is purely a Governmental affair. This plan will succeed, in fact will go far beyond the success hoped for, if public support to it is forthcoming. Ultimately, it depends on how we can harness not only public enthusiasm but public labour, public co-operation and work. I do not propose, to refer in any detail to the various aspects of this Plan. It is an outline and we thought it desirable to place it before the country and before Parliament before finalising it. As a matter of fact, ever since it has been published, a great deal of thought has been devoted to it, and a large amount of criticism, opinions, recommendations and suggestions have been received. Some of them perhaps do not express high approval of the Plan but by and large there has been, I think, an appreciation of this Plan in spite of criticism here and there, and

even the criticism that we have received has been largely helpful criticism. Now, this plan obviously had to be drawn up and was based on certain obvious limitations. The House knows that in a general way, I have been connected with the idea of planning for a large number of years. I was Chairman of the National Planning Commission.....

Shri Kamath (Madhya Pradesh): Committee.

Shri Jawaharlal Nehru: Yes, Committee. I stand corrected. The National Planning Committee was formed, I think, in December, 1938 or thereabouts. It was inaugurated by Netaji Subhash Bose and had worked for two or three years and then owing to the advent of the war or rather owing to the fact that many of us connected with the National Planning Committee were prevented from carrying on our work because we were arrested and put away elsewhere, that work was interrupted. Later we resumed it but we never completely finished it although I think the work that the Planning Committee did was substantial and every subsequent Panel and the present Planning Commission has benefited by it greatly. Those Members who are interested in that work can have twenty volumes of its records. Now I have been connected with planning in various ways—one which I must confess with a certain degree of, shall I say, not shame, but say shyness, if I may put it that way.....

Shri Kamath: Shy?

Shri Jawaharlal Nehru: In the sense that one is always thinking and dreaming of things, of what one wants to do, of what one would like the country to do, of pictures rising up, of the country being built up by the efforts of the people of the country and of something new emerging, built of course on the foundations of the old. I suppose I am not the only person who is guilty of this kind of dreaming. All of us have something of the stuff of dreams in us and all of us in the past many years and decades have dreamt of what we thought the future India might be. All of us, I am afraid, have also suffered disillusionment often enough and then, in spite of that disillusionment, we have pulled ourselves together and tried to fit in with existing realities, not, I hope, by giving up those dreams. We have ultimately to balance the two—this element, if I may say so of this idealistic element of looking ahead and of dreaming, and the necessity of keeping our feet on the ground and of keeping a contact with hard reality. Hard reality by

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itself does not ennoble one; it drags one down. We cannot leave it. We have to live in that environment of hard reality. But hard reality is often rather crude and apt to shape one's mind in many ways. So we want both those things and in that sense, I thought of planning in a vague and general way and it filled my mind. Then came a period when I thought of it a little more in terms of hard reality, although even then, when we were not in charge of Government, there was perhaps a slightly greater element of idealism and wishful thinking than of meeting the necessities of the actual situation. Now we become a Government and we are surrounded by all the difficulties and problems that all Governments have to deal with to-day. Perhaps our heritage in some ways has been a more difficult one and the times we have passed through have been unusually bad. So we have had to think anew and afresh as to what we can do and what we cannot do. We started our career in Government with a great deal of enthusiasm and many hopes as to what we should accomplish fairly soon. I do not think that what this Government has done in the course of the last few years is negligible. I think it is a fairly proud record considering everything. Nevertheless it does not come up near to what we had hoped to do in many fields. Within a month or possibly two of my assuming charge of one part of the Government, the Cabinet appointed a Planning Committee or some kind of Planning body.....

Shri Kamath: Planning Board.

[MR. DEPUTY-SPEAKER in the Chair]

Shri Jawaharlal Nehru: With Mr. Neogy as its Chairman because I was eager to grapple with this business. That Planning Board was not meant to draw up any detailed plan but rather to collect together the various plans and efforts that had been made in this direction, to give a certain order of priorities, and to tell us how to plan or rather how to put up the machinery of planning. That Board functioned very effectively and at the appointed time delivered its report, round about December, 1946 or January, 1947. But then the House will remember that we were going through, during that period, a very difficult and continuing political crisis and it was quite impossible for any such big scheme to be undertaken. That crisis continued till ultimately it was resolved in a way on the 15th of August, 1947 by the coming of Independence. We resolved one crisis, and the moment it was resolved, that very minute started other and deeper crisis which upset the whole outlook in the

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newly created State of Pakistan and in parts of North India. We had to face that trouble. Again it was difficult to think of planning when we were fighting for survival. And all kinds of things happened after that which the House will no doubt remember. I am merely referring to that, giving that background, to point out the reason for delay in this undertaking. Various other matters happened too. I regret now, as one can always regret afterwards when one is wiser after an event, that we did not start this business at least a year, may be two years earlier than we did. We should have done so. We would have been better off in many ways, if we had done it. However, ultimately, a year and a half ago or thereabouts we did start this, and three months ago we produced this preliminary report—this outline Plan.

Some people have imagined that the Planning Commission having presented this report has done its job and should be wound up. That of course is a complete misapprehension. The Planning Commission, if I may say so, has hardly begun its work. It has been reconnoitring—it has made a reconnaissance of the field—and it has come back to give certain indications as to what it might do and ask the country to do. The actual work has now got to begin, or perhaps to begin in a real sense, after this report has been finalised as I hope it will be, in the next two or three months. That does not mean of course that nothing should be done till we finalise the report. This report has been based, as it had to be, on the state of affairs existing today, that is to say, on the actual plans being in operation and those that we could take up in the near future. It would have been unwise and totally unrealistic for this report to forget what has been done or what is being done or is likely to be done, and to put down something completely, if I may say so in the air. So they had to proceed with that check; of course, recommending that something should be speeded up, giving priorities and all that, but nevertheless basing the report on what is being done, so that the report can be followed. I hope, it is being followed from now onwards, even though it has not been finalised, by various departments of Government and by State Governments in the work they are doing, by giving the work a certain direction and by attaching importance to certain priorities.

Now, I said that this report and this whole approach is conditioned by various factors. Any Planning Commission that we appointed could not

very well go outside those limiting factors and give us something which might have been desirable to look at and to read but which would have been very difficult for us to give effect to, unless we sweep away all those limiting factors. Now what are those limiting factors? The limiting factors, first of all, not the most important but certainly one of them is our Constitution. The Planning Commission cannot upset the Constitution. It has to work within the four corners of the Constitution, as we have to, so long as we do not change it. I say this because some of our critics are making certain proposals which involve a fairly vital change in the Constitution. Now those proposals may be good or may not be good, you may agree or disagree, but before you put forward these proposals or before this House can consider them, this House has to change the Constitution in so far as it might come in the way. Then, another limitation, if you like, is that the Planning Commission accepted, not the *status quo*—we do not wish the *status quo* to continue by any means—but nevertheless it did not proceed on the basis of sweeping away the present economic and social structure of the country. It proceeded on the basis of changing it with as much speed as might be possible, but nevertheless accepting things as they are and gradually changing them in a particular direction.

Again, criticism is advanced which is based on a complete and basic change of the present economic structure of the country. Many Members of this House and, if I may say so, even I would like a basic change of the economic structure of this country. (Hear, hear.) But the difficulties arise—and I am rather, as I said, prone to wishful thinking and dreaming about these matters and so I have to pull myself back. Anyhow the Planning Commission could not very well do that and if you tried to do that, if this House wanted to do that, as it is perfectly entitled to do, it would be a somewhat lengthy process. Meanwhile are we to sit down and wait till that process is completed and then think of planning? That, I submit would be a completely wrong approach.

Now, the third set of limiting factors are, if I may say so, the conditions in which we live in India and these conditions have to be accepted. What are our resources, what we can do and what we cannot do. We cannot change those limiting conditions because they are of the stock of reality; we can change them, of course in the sense we can plan to change,

though that is a different matter. We had planned to change them and in fact, the whole of planning would have no meaning at all, unless we change them; we should increase our resources, plan for them and increase the tempo or advance and progress. But we cannot ignore them; we cannot for instance, make a plan which goes completely outside our present resources; we just will not be able to work it. That is not a matter of even changing a limiting factor, which Parliament might do, but even Parliament, I submit, with all respect, cannot change an existing fact. It can lay down conditions wherein those factors can be changed; it can lay down rules or statutes which will help us to change those conditions. In fact, it can accept values which themselves will tend to change those conditions. These are the various limiting factors.

A criticism has been made that this Plan has no definite philosophy behind it as well as no definiteness. So far as definiteness is concerned, I do not think that that is a correct criticism, because, this plan is definite, is detailed. Not this book necessarily that you have before you. It is quite impossible in the space of a book like this to give all the details. But, the Planning Commission has worked out with the help of our Ministries and the State Governments precise details, not of everything, but in regard to most of their proposals. They propose to work out the details of the rest.

As regards the charge that it has no philosophy underlying it, that is a difficult question for me to answer. Each individual and certainly any plan should have some philosophy of life which is kept as the aim towards which we go. I suppose we as a Government or we as Parliament or we as makers of the Constitution do have some philosophy. It may not be precise. I suffer from one fear in this respect. As a people, we in this country are prone to be too philosophical, indeed to be too metaphysical: all of us in a greater or lesser degree. I have the highest respect for philosophy and I fear that a great part of the world today is going farther and farther away from philosophy and therefore going rather astray too fast. If I were speaking in any other part of the world, I would lay great stress on the philosophical approach to life. But, we in India are so enveloped in philosophical and metaphysical thinking that a thing which is exceedingly good may become very bad for us: in the sense not that philosophy is bad—about metaphysics I cannot venture any opinion—but we develop an unbalance. It must be a balanced philosophy; balanced with reality and

balanced with other facts. It develops wishful thinking, and as I myself am so guilty of wishful thinking and dreaming, I suspect philosophy when it comes near me, although I respect it. There was this danger that in order to satisfy ourselves and others, this Plan might talk bravely of some underlying philosophy of our approach, economic or social, and put out very fine propositions which would have gone down with the public most certainly as our brave resolutions do, but which might have led to a certain hiatus between brave talk and fine dreams and the actuality that we have to face. We would have perhaps misled ourselves into thinking that we have done our job by laying down those very high and fine principles. Therefore, rather deliberately, we tried to keep away from philosophy: again I repeat, not because we do not attach value to it. I think it is highly important that as a country we should have, not a precise, but a general, philosophy of economic and social approach. In fact, gradually we have developed it in the past days of our struggle for freedom and later. Everything that we do gradually tend to develop that: but not in the metaphysical sense of putting down high propositions, unrelated to actuality. So I submit that this outline Plan that has been placed before the country and that I have the honour to place before the House to-day is a very practical, a very realistic and even a very prosaic approach to a very important problem. Not only is the plan important, but it has something behind the printed word—tremendous adventure is hidden in it. I say this because, after all, planning is not a business of writing out an outline Plan and of delivering speeches and passing resolutions upon it. Ultimately, planning is work. Planning is labour, organised, well thought-out labour and the utilisation of the resources of the country, including and more especially the resources in human beings, to the best advantage and for the benefit of those human beings. That is what planning is. Personally I have the greatest respect for people who have to deal with the financial aspects of the problem, because somehow, in our modern world, money surrounds us and dogs us and keeps us back or pushes us forward in several directions all the time. We just have to think all the time in terms of money and of the money available. And I must have, and the House must have due respect for money. Nevertheless, sometimes I feel that that due respect goes too far and we forget other factors in the problem, other factors like the human factors and the rest of it. After all, money has been created in the past and will be created in the future, not by gambling in stock ex-

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changes or in other speculative markets in Calcutta or Bombay. Money has been created and will be created by means of labour. (Shri Kamath: Wealth, not money.) Not money, I am sorry. I mean wealth. Wealth is created by human labour. And the problem, therefore, is a utilising and harnessing human labour for the creation of wealth, not of juggling of money bags by speculation or in other ways, or merely taking money out of one pocket and putting it in another, which may be desirable if one pocket has too much of it; but it does not make very much difference in the end. So I think, while we have and we must in the nature of things, pay attention to our financial resources etc. if that is the way the machinery works, I think the real approach should be that labour is the real wealth and the real capital provided we utilise it in a proper way.

We have in India and in many other countries the extraordinary situation of, on the one hand, our wanting production and increased production and increased wealth; and on the other hand, we have idle hands, the unemployed or the unemployable or the partially employed, in vast numbers all over the country, not only not adding to the wealth of the country, but a burden and a drain on its wealth. We have unemployed of two kinds. One a relatively small group and the other a very large group. The small group consists of those who do not labour at all or engage in no productive effort, but live on the labour of others, whether it be rent or whether it be some other kind of income that they derive. I am not for the moment challenging their right to derive that rent or income. I am only pointing out for the moment that they are unproductive and they are unemployed, some of them at least. These are the people who live at the top of the social ladder. They need not work because others have worked either before them or at some other time for them. They may be unemployed and may not work, nor produce, but they consume all the same and possibly consume more than others. While not producing they consume and therefore they are a burden on society.

The other and vaster class of unemployed are the people who have no work. Some of them may be lazy; they may have work and yet may not do it and in our country laziness is encouraged, beggary is encouraged and our people are charitable and they help these people to be lazy. But

after all even those people are relatively small in number. They may be in lakhs but still relatively they are a few, possibly one million, two millions or even five millions.

But then comes the real unemployed, persons who can work given the chance and who do not easily get the chance. There we have this anomaly, namely of our wanting production and building up of wealth and large numbers of people who might have been capable of work, not having the chance to do it and yet consuming something, though not very much, so long as they are alive. Anyway they are a drain and a burden on the country.

How to harness this labour power and use it for the production of wealth? How indeed, apart from harnessing them for wealth production, can we harness them for their own benefit to enable them to lead a productive life, because nothing is more harmful ultimately than living that life of unemployment, which gradually drives them into the class of unemployables, because they deteriorate in every way—intellectually, physically and psychologically—and gradually they become unemployable. They become no good at all, whether they belong to the middle classes wanting some kind of work or job in Government or in some other undertaking like that or whether they belong to the labour class wanting some work in a factory or field. After wanting it for sometime and not getting it they deteriorate in every way and that is a tragedy, because they may prove to be fine workers.

Take our middle class people. There are so many young men coming out of our universities, going about trying to get a post somewhere and not getting it, becoming frustrated and adopting wrong courses and just fading out and all the promise of their youth disappears. How are we to meet this situation? You talk and we talk of planning in terms of wealth production. Quite right. But I think the more basic approach to the problem is to look upon it in human terms, in terms of the human beings of India, how to give them work, how to make them productive, how, anyhow, to save them from the deterioration that comes from not doing anything and losing the respect of others and one's own self-respect.

I have said something here which is rather basic and it may well be used by critics of this Plan and they may hurl at this Plan "Why do you not apply your own test to this plan of yours? Why do you not lay down a scheme of employment for every

body?" Frankly, it is not possible, because we just do not see how we can do it at this stage. Certainly, as an ideal we are prepared to keep it but we are trying to keep away from the ideal by putting down that every man shall have work and food. Certainly it is the duty of every Government to see that every man in this country has food, clothing, shelter and other things. And yet we just cannot do it in the way we would like to do it. So, what is the good of saying it? We cannot just give employment for everybody in India in the existing circumstances. We can work to that end, we should keep that as our ideal, obviously it must be the ideal of every planner: full employment and full productive employment. But to say that just that way would be to mislead ourselves and mislead the public. Nevertheless, I think our thinking should emphasise that aspect of this problem and emphasise it in various ways. For instance, there is the normal employment, whether it is in the field or factory or Government office or business office, wherever it is, which comes under our present economic system. In the normal way, as business increases or Government work increases more people are employed, as we increase our industrial and agricultural work more and more people would be employed. It is true, but there is another approach to the problem which requires consideration and that is that regardless of these economic difficulties, there should be some type of work, it may be manual labour,—and manual labour is the best type of work which you can have—which should be available to any person who wants work. No person who wants work should be denied that, some kind of work even though it might be of the simplest variety should be available. We can build roads, we can dig canals, we can make wells and tanks, we can build houses which are so badly needed in this country; we can have an enormous housing programme, and so on and so forth. When we think of these matters in normal financial terms, huge astronomical figures come before us: housing in India, one hundred crores, five hundred crores, and we collapse under the weight of those figures. And yet, look at it from another angle. There are those people doing nothing, houseless most of them; why should we not somehow harness that energy and build houses?—not in those economic and financial terms, in some other terms which ought to be capable of being thought out.

This whole question can be approached in this way so that we can bring in and utilise our manpower. But then we come up against various

difficulties. Are we to compel our people? We are a free democracy and people do not believe in compulsion? In our rehabilitation schemes we had fine schemes; we have not been able to give effect to a lot of them because people refused to go there. They preferred a semi-starvation existence in one place, preferred living in hovels in one place than prefer living in a good house with land to work on 500 or 200 miles away. We have even induced them to go and then they have come back to the hovel and the semi-starved existence. We cannot compel them by law: if a person prefers a semi-starved existence in a particular place, we cannot compel him and take him elsewhere. What are we to do about them? Are we to compel them to do that? (*Shri Tyagi*: "Yes".) My friend says, yes. I myself agree that a measure of compulsion inevitably comes in at some stage or other.

I have been talking about the unemployment and work waiting to be done. Parts of India are heavily populated and yet there are large parts of India which are very sparsely populated which can be developed. The land is waiting to be tilled, if people will go there, but people do not go there and there is an enormous reluctance to get out of their ruts. The fact of the matter is that all of us—with all respect to hon. Members of this House—have a tendency to live in the old ruts: sometimes even mental ruts, certainly physical. Take our food habits. If we miss something that we are used to, we are very annoyed and angry. If we are used to rice, we must have rice, come what may.....

Shri Kamath: What about fish, which the Food Minister recommends?

Shri Jawaharlal Nehru:with the result that even though there might be food in the country, if a particular type of food is lacking there is a tremendous halloo. Governments shiver. Food Ministers cannot face anybody. Why? Because everybody likes to live in his own particular way and maintain his own habits. I have no objection at all to a person who likes rice to eat rice, or a person who likes wheat to eat bread. It is not a question of objecting to this or that, but it is a question of adjusting ourselves to the situation, to certain obvious difficulties.

Many Members of this House may know that in western countries, in Europe, in many countries of Asia, where war has had a very far-reaching effect, their entire food habits have had to be changed by force of circumstances. They had to accept that. Take a thing which is very desirable

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but not completely necessary—take sugar. Now—I hope the Food Minister is not here—oh, he is here, well I hope he will not listen.

An Hon. Member: Do not worry. He is hard of hearing.

Shri Jawaharlal Nehru: Now, we go out of our way to pamper to certain people who shout a lot, get quantities of sugar from outside, paying heavily for it.

Shri Kamath: For rasagolas.

Shri Jawaharlal Nehru: Well, if you went to England you might get possibly—I forget now—a spoonful or so of sugar a week and people put up with it and sometimes a little notice is sent to them “We have no sugar; do not come for the next fortnight” and they do not go. They do without it simply. There is no shouting so far as I know, while here, we are such a sugary and sometimes sappy people that unless we have our full quota of sugar and our *sandesh* and *rasagola* difficulties arise and Government is blamed and the Food Minister has to import sugar.

Shri Kamath: And Mr. Tyagi's shakrani.

Shri Jawaharlal Nehru: We can import many more useful things for that money. That is an example of how we live in ruts and how we refuse to change our habits and I do not think that we shall go very far in this or in any other respect unless we are prepared to change our habits, not for ever but in a period of difficulty.

I suppose the reason for our living and following rather definitely set and precise ways of life is that our social system has been rigid. Our professions, our castes etc. have rather petrified it. We do not like to get out of a particular habit which our own group or community has followed. That is a great drawback not only socially but economically. Unless in India labour can be transferred and utilised for various purposes, and it does not stick to a particular habit or a particular way of working, you cannot have new industries. You cannot have new things. Because in new industry there is no person trained for that industry. It is a new thing, of course. Unless you have that mobility of labour—labour prefers to sit in an odd place somewhere and live an existence full of difficulty and suffering to going out to a new

place, taking all the risk, making much more money and having better conditions of living—you find great difficulty in really working out all your plans, etc. There again, if you want that mobility of labour, etc., we come back to a certain rigidity in our social life. To some extent—to a large extent, I think—our social life has to undergo a change in order to fit in with modern economic conditions and in order to be able to help the change-over to greater wealth production, to greater production that we all aim at.

Now, what good will it do us if we make a fine plan, worked out to the smallest detail, but all these essential limiting factors, social and economic, pursue us? I have not a shadow of doubt that we could build up India given certain extreme conditions of peoples' willingness to work hard and all the time. We could build India up without the slightest reference to the Finance Minister or to finance. But, of course, those conditions are extreme and to make four hundred million people behave in a particular way is a frightfully difficult, almost impossible, matter. That is where the difficulty comes in.

Shri Kamath: It will come in our time.

Shri Jawaharlal Nehru: I hope so. Anyhow we have to take both into consideration, the Finance Minister and the people, and combine their resources to this end.

It comes to this that it is quite inevitable, I think, in a country like India to bring in a certain measure of compulsion. In what manner and to whom it should apply is another matter. The old National Planning Committee recommended that every graduate, every person getting a diploma or degree, should not be given the diploma or degree, till he had put in a year's labour in field or factory or somewhere. That I thought and still think is a most excellent suggestion for a variety of reasons. Apart from getting labour for building purposes, from the point of view of that individual it would be extraordinarily good. Our health will improve; our physique will improve; we would be altogether better human beings and meanwhile the country would profit by that labour. There are difficulties in the way, I know. Various Provincial Governments have tried that, or thought of it and have given it up because of the difficulties. I do not myself see any difficulty which is insuperable, and one may begin in a small way. One need not begin with 50 million people. One

may begin with 50,000 or 10,000 if you like, but something of the kind is essential. I would personally go a step further. Let us begin with the next step and say that every person, let us say, between 20 and 22 years of age should do two years' labour for the country. In other countries where they have construction for war, military service, normally every young man between 19 and 21 or 22 has to put in one year's or two years' or sometimes three years' service in the army; it does not matter what status he has, rich or poor, he has to live and work as an ordinary private for a period of two or three years. The only persons who are excused are those medically unfit. Now, that is military conscription. I am not in favour of military conscription. It displays a certain warlike mentality which I do not approve, but leaving that out, leaving the war aspect of it, I think that developed discipline, and raised the whole morale and physical stature of that nation. Now, I remember the example of a country which used to have military conscription but was prevented, being defeated in the war—it was the first World War—from having any conscription for their defence forces and from having an army. The country is Bulgaria, a country in the Balkans. Now, they said, "All right, we will not have conscription for war, we will have conscription for labour". They conscripted every able-bodied man there for public works construction. They inculcated discipline, had drills, made roads and bridges. You know that during the war the country suffered badly and they turned the whole youth of the country towards this rehabilitation work, reconstruction work, of the country, and in a few years all the roads, bridges and houses that had been destroyed had been built up by conscripted labour and in the meanwhile these young men became stronger and better, and they finally went back into civil or other employment. Now, all these things, I think, are worth considering, and though I am the Chairman of the Planning Commission, I would like to suggest to my colleagues on the Planning Commission that they might consider these various approaches to the problem of utilising this wasted surplus labour force of the country, and this has to be considered not only from the point of view of utilising this surplus labour but from the still more important point of view of raising the whole tone of the country, and of our youth more especially.

Now, there is another matter to which I should like to refer. Yester-

day, this House passed the Industries (Development and Regulation) Bill. I was very happy that we could manage to pass that during this session, and it will be very unfortunate indeed if it had remained over. It had, I regret to say, remained waiting long enough. However, we passed it, and I think it should help us greatly in our attempts to plan. Now that Industries (Development and Regulation) Act gives the State power of regulation and control over industries, the question arises of limiting dividends, profits and the like, just as the question arises of freezing wages and the like in certain circumstances. Not that wages are high or salaries are high, but we are compelled by circumstances to stop them at a certain level till there is more wealth and provision to enable a rise to be given. All those questions arise but one matter which is troubling all of us to some extent, and no doubt troubling more those of our colleagues who are connected with the Finance Ministry. We talk as I said, of limiting profits but what about the money which is referred to—let us say—as black-market money which never comes in to the open. There is no question of limiting the profit there because it does not come out.....

Shri Kamath: Shri Tyagi is after that black money.

Shri Jawaharlal Nehru: There is a great deal of public resentment—and very rightly too—against this black-marketing business and all of us had expressed ourselves fairly strongly against it. But expressions apart, it is a serious problem from the planning point of view as well as, of course, the social point of view. I think various Provincial Governments have tried to exert themselves to put a stop to it and indeed in some measure sometimes they have succeeded. Large numbers of individuals have been punished though as a rule, those individuals are what are called, smaller fries—not the big people. Now if a small person indulges in black-marketing,—it is not good whoever he may be—but it is rather an individual offence. But when big people indulge in it—and a fair number of them do so—then it is not an individual offence only—it is something much more than that. It is a social evil and I think it is true to say that in India this black-marketing is something much more than an individual offence. It is a social evil of some magnitude. Not only is it a social evil of that magnitude but any plan that you may build up may be, to some extent, undermined and

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sabotaged by that social evil. Because in a sense it affords a certain leakage which will affect your plan if that thing goes on. Therefore, apart from other reasons, social, moral etc., from the strictly practical point of view of your plan and planning, it becomes essential to curb and scotch this business of blackmarketing. After all, we say that we are going to have a public sector and a private sector in our plan and of course it is quite inevitable whatever viewpoint you may have—whether the public sector should be bigger and private sector smaller—that may be so but inevitably there has to be a public and a private sector and we say that even the private sector must be run in conformity with the objects of the plan. A private sector does not mean unrestricted and absolutely uncontrolled private enterprise. It is controlled by the main objectives of the plan. It has to fit in with the plan, it has to work for that plan. We do not interfere with it otherwise but it has to accept the broad objectives of the plan and work for it and where it does not work and where it comes in the way, we have to step in and take charge of it, if necessary. Now we talk about some kind of control of the private sector. Surely, it follows from that argument that there should be control, if you like, but something much more than control—of this blackmarket situation which is—well, I do not know what you call it—it is not a private sector, it is a very secret sector which works underground. Therefore I say that we have to consider both as Government and as Planning Commission as a matter of urgent consequence, how to deal with this blackmarketing as a social evil. It is a difficult task. As the situation is today we have found it rather difficult to deal with it, because the processes of the law are slow and technical and the resources at the command of some of those gentlemen accused of blackmarketing are fairly big. And so, State Governments have proceeded in the law courts against them, and after a year or two or three years of trial the cases collapse. And then again, because large sums of money are involved, the way to temptation is open too to many people who enquire into this matter. And then, finally, the law itself was not normally meant to deal with these large-scale secret social evils. So they escape the net of the law. Now, all these are problems. I think one thing we should decide in our minds—that we must find some way, and if it is necessary to have fresh and additional powers in law I am

quite sure that this Parliament would not grudge them and the country would approve of them, provided they can deal adequately with this great social evil of blackmarketing.

This of course naturally is not referred to in this book, because this is a prosaic matter of schemes and things and priorities. But I can tell you that this is a matter very much in the minds of the Planning Commission. During these two or three months since the publication of this report we have received a large number of suggestions etc. and they are being considered daily and conferences are taking place. As a result the new and the final report is gradually taking shape in our minds and in our notes. This final report or final plan is likely to be in three volumes: Volume I—Policy and Administration, Volume II—Plan for the Public Sector, and Volume III—Planning for Industry in the Private Sector. This would contain fairly full details.

One misapprehension I want to remove from your minds. Many people have thought that this Plan depends upon foreign help. That is not so. We welcome foreign help, if it comes. But the Plan, contained in this book does not depend upon foreign help at all. What we have said is this. We have made a plan regardless of foreign help. If foreign help comes, we enlarge that plan, we go further. It is not that the plan is affected by it. Only, it is enlarged by the foreign help that comes in, just as we can enlarge it if we ourselves work harder in this country. This particular Plan, as it is, does not depend on foreign help at all. In the second and third stages, if foreign help comes, it means that we can increase by 20 or 40 per cent. in the course of five years. In fact, although it is called the Five Year Plan, it is possible—I hope it may happen—that we can go much further within five years, not so much because of the money coming in from elsewhere but because of good public response. I have little doubt that we can go beyond this Plan within the five years.

Now, I do not wish to take much of the time of the House. I have not dealt with the details of the Plan, partly because the book has been with the Members for three months now and they have discussed it and, partly, because any details can be considered if suggestions are made. Otherwise we are likely to be lost in this large forest of plans etc.

Now, this debate that I am venturing to initiate in this House is largely meant to receive an indication of the mind of the House as far as possible, so that the Planning Commission should understand how hon. Members think, to get particular suggestions from them, far-reaching or small, and thus be helped in making and finalising this Plan. I will submit to the House that it would not serve any useful purpose, if Members suggest here—I mean at this stage—odd schemes or odd plans. This particular scheme should be included and this River Valley Scheme should come in. That is a matter which should be considered and can be discussed with the Planning Commission, but to discuss the importance of a particular scheme here in this debate which is meant to cover broader issues would not help very much. The House will remember that the Planning Commission would like to include scores of other schemes in these projects. The real difficulty is this picking and choosing, this business of priorities because you cannot go beyond a certain figure. Unless you do something which enables you to go beyond that figure later on, we must keep within that figure. Otherwise the Plan becomes unrealistic. Therefore, we have always to think if we are to put in something, what we have to take out of the Plan.

Now, I want to be quite frank with you; it grieves me that matters like education do not find a more important place in this Plan, because, after all, education is a basic thing. I am not particularly enamoured. I might say, of present day education (*Hear, hear*). That is another thing, but after all education is the basic thing for everything (*Hear, hear*) and not only education in the technical sense, involving technicians, scientists, engineers, doctors and the like—not I hope, so many lawyers—but if I may add, I want a fuller education, because I am getting rather frightened of these very high-class experts and specialists who sometimes come from other countries and sometimes you find in this country, who are exceedingly good for the particular work they might do, but for the rest they have no conception of life's problems and how to meet them. That is, I should like our education to be an education in living, not merely in working a machine or something. So I attach the greatest importance to education. It hurts me to see that we have not got money for education and in the long run it will not pay us. Nevertheless, compelled by circumstances, we have given certain priorities for this much abused education somewhat low in the scale. What is

one to do? Are we to give up a River Valley Scheme which promises more food, more power, more agricultural land, more canals etc. and more wealth ultimately? If we spend what we have today even in the best of activities like education and health, we have nothing left over. This means that we remain where we are and we do not move at all. Because, all the progress that we make comes from what is left over after consumption. The bigger the saving, the greater the progress: it is a very simple formula. You can get more savings by more production or by less consumption. Consumption, generally speaking, is not very great. Leaving out certain wasteful classes at the top, the average man in India has not got the money to consume much. We have either to produce more or consume less, that is tighten our belts in order to save more or have more later or have both. That is the problem. We cannot eat the cake all the time and still have it too. We have to face the problem of priorities. As I just pointed out to you, if we provide something in the nature of a luxury, we may have to do away with things which are necessities.

Many Members bring forward the examples of certain Communist countries like Russia. There is much in the Russian example which is very helpful to us and from which we can learn. But, I hope hon. Members will also remember the heavy price that Russia paid for it: the price of tightening the belt not for a month or a year, but for a generation, tightening the belt and living in the hardest possible way so as to build for the future. Normally speaking, no country with a democratic Government or democratic processes can force the people to undergo that kind of tightening of the belt and suffering which was done there. We cannot do it. On the other hand, if we do not make adequate progress, then we weaken. Then, the problem comes before us. If we cannot make progress in this particular way, must we adopt other ways, other economic systems and the like? In the final analysis, in the conflict of ideologies in the rest of the world today, it is not armies that will prevail; it is not victory in war that will prevail; but that economic system will prevail which delivers the goods in the best way. It is not that the same economic system might prevail in every country. There might be variations; there might be alterations suited to the genius or to the conditions of a particular country. Ultimately, that system will prevail which succeeds in solving the economic and social problems because they are the basic problems. If by any chance the system that we are living

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under today fails to solve them, then, inevitably we have to search for some other way, some other system. Because, it would be quite absurd to say that this particular system is so sacrosanct, that it cannot be changed come what may. It is absurd because we ought to grow, we want to live well and we want the country to live well and progress and become strong, powerful, and cultured and all that. That is important: not preserving any particular system.

We feel that what has been mentioned in this report of the Planning Commission is a realisable thing, is a thing which, in any event, whatever we may do in the ultimate future, is the basis on which we should proceed. Now, if we want to change it here and there, we shall change it. There is nothing immutable in it. But, once we adopt a plan, it is right that we should think of it in some terms of finality: not ultimate finality. Because, if you do not think in those terms, then you never give effect to it. You will always be thinking of changing it here and there, instead of working it in the field and the factory; you will be arguing and debating about this change and that and nothing will be done. Ultimately it does not matter what plan you make. Ultimately what you and I and the rest of the country do, that is what makes the difference. So do not, after you have adopted it, think of it as something which was good enough to talk about, but let us change it now. That is foolish, if you will permit me to use that word. Let us work ahead and hard and when you work the plan, that will give the training for you and me as to how we can change it, because we will see the difficulties when we grapple with them, not when we theorise in Parliament or elsewhere in an academic way. When we grapple with the work in the actual working of the plan, then obviously you will see where change is necessary and we make the change then after that experience.

Therefore I submit this Plan to the House and on behalf of the Planning Commission I, would like to thank those Members of the House who have taken so much interest in planning and who have come so often to the Planning Commission or met the members and officers of the Commission and discussed plans with them during the last few weeks. And I can assure them that the Planning Commission would always welcome this type of interest because we are all not wedded to anything. We are all exploring, groping and considering difficult matters and

thinking of the fact of vast numbers of people—350 millions of human beings. This is a tremendous undertaking. It is a frightening undertaking to think about it. At the same time it is inspiring to think that we are working for the mighty cause of raising these 350 millions. This is a great enterprise and an adventure. If we look upon it in that way; and not, with all respect if I may say so, look at it from the point of view of the academic professor, not look at it from the accountant's point of view, not look at it from the mere critic's point of view, but look at it from the point of view, of a tremendous adventure for these millions of people which I have not the shadow of a doubt, will yield rich results. Whatever the results, future generations of the next ten years will show. But the mere act of working it will raise this nation to higher levels.

Mr. Deputy-Speaker: Motion moved:

"That the draft outline of the First Five Year Plan prepared by the Planning Commission, be taken into consideration."

Now, a number of hon. Members have tabled amendments. I would like to know how long we propose to sit. Shall we sit up to 8 o'clock?

Shri Jawaharlal Nehru: I am in the hands of the House. If you like, we can sit till 8 o'clock.

Shri B. Das (Orissa): Sir, we would like to.....

Mr. Deputy-Speaker: Order, order.

Many hon. Members would like to take part in the debate and there is no good complaining to-morrow that many hon. Members have not had time to take part in the debate. Somehow, I think we may have to stay here for dinner to-night. Therefore, let us carry on as long as possible—say till 8-30. And if hon. Members will not exceed the time-limit—and the practice is on such motions to have a maximum time limit of 15 minutes for each hon. Member—and if hon. Members will only state their points, then it will be possible to accommodate a number of hon. Members. Of course, this is a general debate on a general plan, but Members, as was referred to by the hon. the Leader of the House, will have more opportunities later on. Therefore if the debate proceeds on the lines that I have indicated, a number of hon. Members will be able to get opportunities to take part in the debate.

Shri Kamath: Does your announcement of dinner mean that we will have a post-prandial sitting also?

Mr. Deputy-Speaker: We will conclude at 8-30 P.M.

Shri Syamnandan Sahaya (Bihar): Sir, this is by far the most important motion that this House has been called upon to consider. The purpose of the hon. Prime Minister in bringing forward this motion is that Members in this House may have the opportunity of making constructive and definite suggestions and of stating their reactions to the Plan placed before us. If you limit the speeches on the motion to 15 minutes I submit with great respect that it will not serve the purpose in view. The reason why the time limit is suggested is that we have not much time before us. But can we not sit tomorrow and the day after? We have been sitting all these days and I do not think anything will be lost if you extend the session by one day more. The House has been very efficient in passing the Bills during the last two days but I do not think that we should hustle the discussion of the Planning Commission's report.

Shri Jawaharlal Nehru: It is entirely for you, Sir, to determine the length of time for the speeches. Obviously if the time is limited more Members would be able to speak and if it is not limited fewer number will be able to speak. We should like as many Members to speak as possible. But I would submit that the prolongation of the session beyond tomorrow would be extremely inconvenient and upsetting. This session was supposed to have ended on the 6th and it has gone on from day to day. I might express my appreciation, if I may, to the House for putting through so much business in the last few days and I am grateful for it but prolonging the session beyond tomorrow would be unfortunate.

Mr. Deputy-Speaker: So far as the time limit is concerned I am not trying to impose any restriction. The rule with respect to resolutions or motions specifically lays down that 15 minutes will be the maximum time.

Shri Kamath: In that rule half an hour is laid down for the Mover.

Mr. Deputy-Speaker: So far as the Minister of Government is concerned half an hour or more is laid down. In cases if the particular point is not over, I shall allow a few more minutes, not exceeding five minutes. Quite a number of hon. Members would like to take part in the discus-

sion, and if a Member goes on speaking endlessly, as we had occasion to experience with respect to Bills, not many Members can have the opportunity to speak. I do not propose to make this occasion as if it were a discussion on a Bill. It is purely a motion. Sitting beyond tomorrow, is physically impossible. Tonight we shall carry on till 8-30 P.M.

Shri Kamath: What happens to Mr. Santhanam's Bill which is still outstanding?

Pandit Thakur Das Bhargava (Punjab): Tomorrow we finish at 6 P.M.

Mr. Deputy-Speaker: Yes, we will finish at 6 o'clock. There are a number of amendments tabled. In view of what the Prime Minister has said, I do not know whether Members would like to move them. They really relate to details which will certainly be taken into consideration by the Planning Commission later on. Hon. Members need not confine themselves to these amendments or the topics referred to therein. They can always pass on to the Commission either in person, or through memorandum, whatever topics they want to get included. If that is borne in mind I do not know if hon. Members would like me to place the amendments before the House. (Interruption).

Shri P. Kodanda Ramiah (Madras): I am not moving my amendment.

Shri Jnani Ram (Bihar): I am not moving mine.

Shri R. Velayudhan (Travancore-Cochin): I beg to move:

In the original motion, add the following at the end:

"and having considered the Report this House is of opinion that the Report of the Planning Commission be referred to an expert Committee consisting of the members of the various political parties with a view to re-formulate a 'Five Year National Plan' for India."

Mr. Deputy-Speaker: Then there are five amendments in the name of Shri Kshudiram Mahata. The hon. Member is absent. There is one amendment of Mr. Sarwate—the hon. Member is also absent. Then Shri Krishnanand Rai's amendment.

Shri Krishnanand Rai (Uttar Pradesh): I am not moving.

Dr. M. M. Das (West Bengal): I am not moving my amendment, Sir, but I would like to speak.

Mr. Deputy-Speaker: Then Shri A. C. Guha's amendment—he is not in his seat. Shri J. N. Hazarika has two amendments.

Shri J. N. Hazarika (Assam): Not moving, Sir, but I wish to speak.

Saikh Mohiuddia (Bihar): I am not moving, Sir.

Dr. Ram Subhag Singh (Bihar): I am also not moving my amendments, Sir.

Shri R. K. Chaudhuri (Assam): I will not move my amendment provided you allow me to speak.

Mr. Deputy-Speaker: It should not be conditional—all right, not moving.

Shri R. K. Chaudhuri: Do I understand you will give me an opportunity of speaking?

Mr. Deputy-Speaker: I shall try—I cannot promise. Then the amendment of Shri Damodar Swarup Seth.

Shri D. S. Seth (Uttar Pradesh): I beg to move:

In the original motion, add the following at the end:

"and having considered the Report this House is of opinion that as the existing socio-economic structure has failed to satisfy the basic human needs and to seek to maintain it unchanged is to ignore reality and invite defeat, the report should be referred back to the Planning Commission to re-draft the same on the socialist structure of society which would necessitate economic equality essential for a classless society which was the cherished goal of the Father of the Nation, Mahatma Gandhi, not for this country alone but for the whole world."

Mr. Deputy-Speaker: Then the amendment of Shri R. Venkataraman.

Shri Venkataraman (Madras): I am not moving, Sir.

Mr. Deputy-Speaker: Amendment of Shri Kamath.

Shri Kamath: I beg to move:

In the original motion, add the following at the end:

"and having considered the Report this House is regretfully of the opinion that the Draft Plan is unsuitable to the needs and condition of India."

Mr. Deputy-Speaker: Three amendments which have been moved are before the House for discussion. For purposes of convenience of adjustment of debate and so that I may be enabled to call Members and regulate the debate and bring it up to level, I would suggest that hon. Members who want to partake in the discussion may kindly pass on a chit so that I may be able to tabulate the names of speakers.....

Shri Kamath: Those who have moved amendments should be exempt from the chit method.

Mr. Deputy-Speaker: They also may pass on chits.

Shri B. Das: Sir, at the outset I must say that the House is very grateful for the very clarifying speech which my leader and the Prime Minister delivered a few minutes ago. I also should congratulate the five members of the Planning Commission who put in many hours of work to draft the provisional Plan for five years which we are now going to consider. Their sincerity of purpose I do not doubt; they have, as the Leader of the House just now said, brought us a Plan not necessarily to accept *in toto* but to examine it and to put such of it into force so that national prosperity may dawn. One thing that struck me very much when the hon. the Prime Minister was speaking was that he said that we may do away with the office of the Finance Minister. That is a very new approach which has come before this House, and it is a very creditable approach to the problem. The Father of the Nation, our great leader Mahatma Gandhi, wanted our country to be self-sufficient. He advised that India's national economy should not be subordinated to western economy or even to Russian economy. I agree with the hon. the Prime Minister that at times Russian economy may have to be adopted to suit India's peculiar conditions, the accidental conditions of India. We do not require a Finance Minister. I will be relieved of income-tax. I see Mr. Tyagi is looking up. No Finance Minister—no taxes and no Mr. Tyagi to ask us to pay arrears of income-tax. But did we follow the new angle which Mahatma Gandhi introduced in our national economy? Had we thought of Planning for rural self-sufficiency—groups of villages producing what they need—so that we may not be under the clutches of black-marketers whom the Prime Minister very justly condemned so thoroughly? Are we not still in the clutches of the exploiters of Bombay

and Ahmedabad who deny us a piece of cloth in our villages? But, Sir, the Father of the Nation is no more. His dream of self-sufficiency, though it is occasionally re-echoed on the floor of this House and attempted by the *Sarvodaya* movement, of which I believe my hon. friend Mr. Gulzari Lal Nanda is a member,—that dream remains still a dream.

If we are to approach the problem of Planning with the object of national self-sufficiency, of complete national economy without domination of western system of economy, then it is time that the leaders of the nation including my leader the Prime Minister should see whether the country cannot modulate, cannot direct the objectives of this Five Year Plan of the Planning Commission to a *Sarvodaya* system of planning. But that idea of rural self-sufficiency has not entered the deliberations of the Planning Commission. The Planning Commission had no time to deliberate upon that *Sarvodaya* school of national economy, that *Sarvodaya* doctrine of Mahatma Gandhi. This hybrid Planning Commission report is for a mixed economy—a combination of western and eastern economy. It is not India's philosophy; nor is it western philosophy. We are trying to advance as best as we can.

The Prime Minister rightly praised the recommendations of the Neogy Committee in the Advisory Planning Board's report. The National Planning Committee was mentioned. It was our first attempt. Shri Jawaharlal Nehru was the Chairman of the National Planning Committee and our friend Prof. K. T. Shah was the Secretary. He produced books, but they became a little more idealistic and therefore could not be accepted by the President of the Planning Commission, the hon. Shri Jawaharlal Nehru, *in toto*.

Shri Kamath: How do you know?

Shri B. Das: As I read it from this report,—this is how the five gentlemen thought of it. However, it had set an ideal before the nation and all students of economy, all national planners, will derive great knowledge by persuing those books which were so ably edited by our distinguished friend Prof. K. T. Shah.

Sir, the Prime Minister spoke of scorching the black-marketeers. Who does not want to scorch them? In 1948 the Constitution Assembly spent months after months to consider how to do away with the black-marketeers. Sir, I can give a ready solution to the Government of India and to the

Prime Minister. Tomorrow, we are adjourning for some months. The Prime Minister and the Government of India can pass an Ordinance which will be promulgated from the 17th of this month. If the Government have the courage they can scorch black-marketing by hanging a few of them and putting the rest of them in jail.

Shri Kamath: Hanging? Why not flogging also?

Shri B. Das: While millions are starving and hundreds are dying of hunger what does it matter if a few exploiters are hanged from the trees? Our successors the Socialists say that they will see that these exploiters are hanged from the trees.

Pandit Thakur Das Bhargava: Whipping would be better.

Shri B. Das: Hanging and whipping together. Drastic remedy is necessary if we want to save India from the exploitation of a few moneyed men who are living as parasites.

Sir, I am a student of Indian history. I never know of any period in Indian history when the whole national economy, national culture were under the influence of black-marketeers and moneyed classes. But today the vested interests and black-marketeers are ruling the national economy and culture of my country.

To talk of mixed economy, as the Planning Commission has done is to talk of *Sarvodaya* and western economy. The Planning Commission should examine whether Mahatma Gandhi's principles of rural self-sufficiency cannot be evolved in our country. But it has given no attention to it. It requires calm thinking, not when our minds are over-weighted with the Finance Minister's demand of foreign exchange and capital programme. The two programmes must be kept apart. Let the Europeanised section of our capitalists, who are completely swaying our Government, in association with America and U. K. continue, I do not care. We have now passed three years after our great leader has departed. We should at least now try to see whether India cannot be self-sufficient by the *Sarvodaya* system which is the nearer approach to the Russian system. Russia repudiated all debts. We need not repudiate any debt. But England sits tight on my 600 crores of sterling balances and does not allow any free play of it to our Finance Minister. European economy all the time dominates over us. Therefore the Planning Commission will get ample time

to consider these things in future after the election affair is over.

Deputy-Speaker: There is no question of repudiation of debts on our part. We have no debts to pay. We have only to receive.

Shri B. Das: Rs. 2,500/- crores of national debt we have, and the Finance Minister pays something like Rs. 49 crores as interest per annum. That debt, of course, my friends here would like to repudiate, so that they do not have to pay anything. I am for mixed economy, and western thoughts have got so embedded in me that I want to settle all this debt of Rs. 2,500/- crores which our Government has incurred.

I refer to this booklet "The First Five Years Plan—A Summary of it". On page 7 the expansion programme in the private sector is given, and automobiles, aluminium and other items are given. I find that everybody is for hydro-electric development, multi-purpose projects, etc. We do not find any of our experienced engineers—the experts now in India, and all of them are going away or gone to attend international conferences. Now, speaking of the multi-purpose project of Hirakud which I have got in Orissa where some Rs. 48 crores are to be spent which is anticipated to go up now to Rs. 98 crores, the Chief Engineer has gone to America or Malaya or somewhere. Independence has taught us the roving spirit, at least to many, and they run away. How does Government tolerate this? Speaking of Mr. Sri Prakasa's Ministry, the Natural Resources and Scientific Research Ministry, the Secretary is away, the Additional Secretary is away. In the case of a technical project like the Hirakud, the Chief Engineer has gone away, and that Chief Engineer has been sent temporarily to fill up the gap, because there has been a lot of *golmal* there, and lots of money are being squandered. Is this the way to plan? Is this the way we shall develop our country? Something better is needed. If Government wants multi-purpose projects, electrification of railways, etc., they should plan it properly. Electrification of railways and the generation of 300 million Kilowatts of electricity these are projects of vast magnitude where many many millions many many crores of rupees will have to be spent. Being an electrical engineer myself, I feel pained that this matter is not touched, while other matters are being touched. I will follow the

advice of my leader. He said it is not for us to criticise each of the recommendations that are now before us, but that we must give suggestions that will improve our national development. It is true that I cannot recommend the adoption of the Soviet system, but Government must divide their planning into two sectors. People who want to work and produce for self-sufficiency have nothing to do with the capitalist system. If we are not self-sufficient, it is the capitalist society and the black-marketeers who have prevented my Government from proceeding further. How can we be self-sufficient when our national economy is subordinated to that of the U.S.A. and U. K.? What is the crux of the problem. If we separate our two economies, and allow the urban areas prosper in their own semi-foreign way of developing industries, perhaps national prosperity will come nearer.

Mr. Deputy-Speaker: Damoder Swaroop Seth.

Shri R. Velayudhan: He did not stand up. I stood up.

Mr. Deputy-Speaker: That does not matter. He has tabled an amendment. If he does not want to speak, he will lose his right. Shri Biswanath Das.

Shri Biswanath Das (Orissa): Sir, I very much welcome the report which proposes to plan for five years ahead. Sir, my only disappointment is that such an important report should have come in for discussion at this far end of the session, especially when we are not in a mood to think anything seriously. Ours was a Police State. If we mean converting a Police State into a Welfare State, nothing is more welcome than the attempt to develop a planned economy. This planning may be short term planning or long-term planning or a short-term planning with a view towards a long-term planning. But in any event, in a country like ours, planning has its obvious difficulties. In this I believe, though reference has been made to Russia, we cannot, I believe, have any help and much less inspiration, from that system or from the planning adopted in Russia for obvious reasons. In the first place, ours is a democratic system which has been alluded to by the Hon. Leader of the House. That has its own difficulties. Added to it, we have got also the Fundamental Rights which impose very important limitations on the State activities and give lot of scope for individual freedom of action in the field of economic

reconstruction and the rest. Again, Russia started with some wealth to call its own. We were being exploited for hundreds of years. There was no foreign administration in Russia. There was no foreign Government. Whatever wealth Russia had accumulated in the treasuries of the Czar was accumulated in the country itself. There was no foreign exploitation to transmit the country's wealth from Russia to any country other than Russia itself but in our case all the wealth that was produced in India was being transmitted to foreign countries and specially to Britain. That being the position, India was left exploited and was left with bones and skins, when the British left. These are important and weighty considerations which people have to take note of. While Russia took ten years to plan the first year planning comes after 1927—, it is a matter of pride for us that the Ministry could think of planning for this country soon after five years after emancipation despite the serious problems they had to face by way of refugee rehabilitation and war in Kashmir and all the rest of it.

There are other difficulties of comparison between Russia and India. Look at the land space, the huge landscape of Russia and its population. While Russia has to plan for a population of nineteen crores India has to plan for a population of thirtyfive crores. While we are being huddled together within the limited space of twelve lakhs of square miles Russia has the widest possible area that any nation has, eightysix lakhs of square miles. Therefore I am afraid that any idea of taking guidance from Russia in any respect will not be very useful, much less helpful, to our planning.

While I welcome planning I must confess that I am not satisfied with the way certain aspects of the planning have been done. I fail to understand why the Commission had thought it necessary to impose a contribution on the States. Sir, it is a matter of common knowledge that during the British administration different States had different grades of development. Wherever commerce and other conveniences suited Britain it cared to see that that Province or that particular area was developed. That way our Provinces have been developed; that way our industries have been located. That being the position I do not see the wisdom of the Planning Commission in having first called upon the States to pay a contribution. Why should the States

pay a contribution? You are taking all the convenient sources of revenue. The States are left with certain specific sources which are inelastic. To illustrate the position how it makes it difficult if not possible for the States to get any benefit under this Planning, I will cite the cases of certain States like Orissa, Assam, Rajasthan, Madhya Bharat and certain other States. They are too many to be enumerated in this regard. Take the case of my Province. My Province started with a startling deficit of Rs. 3 crores. Subsequently on examination by the Finance Department it was reduced to Rs. 95 lakhs. What is the value of your Planning? You plan on the basis that Orissa will be able to find a contribution for your planning. But I assure you Orissa cannot, because just before you start planning Orissa has to tax herself to find a sum of Rs. 95 lakhs.

Shri B. Das: That is for the Finance Commission.

Shri Bishwanath Das: I am thankful to my friend, but I am not very hopeful. Whatever it is, a Province that has to find Rs. 95 lakhs, could you expect anything from that Province? Have you in any way developed, improved the tax-paying capacity of the tax-payer? With what face could you approach the tax-payer for money? There are other Provinces like Orissa. In Rajasthan it is the same thing. If newspaper reports are correct, Rajasthan also had to resort to new sources of taxation to meet its deficit. So is the case with Assam. It is not able to make both ends meet. Where is it to find contribution for your development? What is true of these two Provinces is true of many more Provinces. Under these circumstances, I fail to see the wisdom of the Planning Commission and with all my respect for them and for their arduous planning, I must confess that it would not be operative and as such will not be helpful. Since my time is short, let me state my points.

Then I come to the second aspect of the question, namely the sterling balances. It depends also on the release of the sterling balances. Looking at the position of England, I will be very glad if the Government of India and the Finance Minister and the Cabinet are able to get release of our moneys and utilize them for planning, but I am not very hopeful. Let me not take any more time on this subject.

As for foreign aid, I believe that we must know our own limitations. I stand by the foreign policy of the hon. Prime Minister. That being so, I also

[Shri Bishwanath Das]

take the full implications that arise out of that policy. When I agree to the policy, I agree to the implications in entirety. We have refused to be under control of any of these big States, because we feel that world peace is a thing greater, higher and nobler than what little benefit we get from any such State. When that position has been taken, I do not see why we should think of any foreign aid. Let us not think of any foreign aid; if it comes, it is welcome. I am thankful to the Cabinet and also to the Planning Commission for having kept it as a separate item.

Having stated so much I come to the important objective which I have of the blue print of the planning presented to us. Let me state here clearly that I absolutely differ from the Planning Commission.....

Mr. Deputy-Speaker: One minute more.

Shri Biswanath Das: I absolutely differ from the method and approach of the Planning Commission. I am sorry, I have not got the time; otherwise I would have touched on this aspect of the question fully. Anyway, I feel that the Planning Commission has failed in its planning and it is bound to fail because the method of approach is absolutely different from the approach that I would like to have. I have stated it in the press and I do now know whether the Planning Commission have got a copy of it and I stressed it there. Let me state the position. Sir, You have provided some money for the development of public health and welfare in the villages. How can you do it? You have not planned to utilize the three lakhs and odd tons of refuse that people daily throw into the open streets. That you have not utilized; I find nothing in the Planning Commission's report, to utilize this, to develop agriculture on the one hand and improve the health of your country on the other. Your Planning Commission's report is silent in this regard. How can you plan public health in this country of five lakhs of villages in India, unless and until you provide ways and means to conserve the refuse matter which is thrown out into the streets against our *shastric* injunctions, which is being thrown in a most *unshastric* way into the open on the surface. That is to be utilized for the development of agriculture as also for the preservation and improvement of public health. Until and unless that is done, any plan is bound to be a costly failure in this country.

8 P.M.

Sir, I now come to development of public health and drinking water. You cannot develop the drinking water resources of the country unless you find ways and means to utilise the water hyacinth and weeds that infest the tanks all over the country bringing in malaria and making the water unfit for human consumption.

[SHRIMATI DURGABAI in the Chair.]

I am sorry, Madam; I shall be thankful if you will give me a minute or two. I am sorry I have not got the time; otherwise, I would have placed before the House my views on these important aspects. I differ from the method of approach that has been adopted by the Planning Commission. I claim that the Planning Commission's report is a report that would suit the occidental countries; it would not suit an oriental country. You have referred to medical aid. I feel, Madam, and I assert here that you have failed and you will equally fail in this respect. You have got 20 or 22 medical colleges and the annual output of these colleges will not be able to meet the replacement of the men in the institutions that you have. Unless and until you develop your science of *Ayurveda* and develop the indigenous systems of treatment, you will never be able to solve the problem and give refresher courses to our *Kavirajas* to utilise them to the best advantage.

Mr. Chairman: I am sorry; if any more suggestions are to be made, they may be communicated.

Shri R. Velayudhan: I listened with deep attention to the introductory speech of the Chairman of the Planning Commission. At the same time, I was trying to find out what interest or enthusiasm he would be able to create in the minds of the Members from the South, including myself.

Sir, Madam, . . .

Mr. Chairman: It does not matter; you may call me Sir: I have already said that.

Shri R. Velayudhan: Sir, I must say, that I was thoroughly disappointed over the Planning Commission's report as well as the introductory speech of the hon. Prime Minister who is the Chairman of the Planning Commission. I think when one reads the Planning Commission's report and at the same time, when one heard the speech of the hon. Prime Minister, it leaves only a kind of confusion in the mind of not only those who read, but in the minds of those who have framed this

Plan. Of course this is a big volume and it takes a lot of time to go through it. But, when I went through that volume, I found that it contained only a few statistics collected from the Government of India offices as well as from the States and also from industrial and other concerns. In fact, when we first heard that a National Planning Commission will be appointed we were very happy because we thought that the Plan would envisage something which will enthuse the people of this country as a whole. But this Plan has not given anything at all to enthuse the people of this country. That is the first complaint I have to make about this Plan and its framers.

Shri B. Das: Why do you not consult Prof. Shah?

Shri R. Velayudhan: Another important factor that the Planning Commission has omitted to do is to lay down some basis for their Plan. Of course, the Prime Minister has said that no plan can be formulated outside the constitutional structure of India. Of course that is no reason, because we know that ours is not a rigid Constitution. It is an elastic Constitution and therefore there is no need to limit our plan in that restrictive sense. To have that restrictive sense is itself a fundamentally wrong approach for planning in India.

Then, Madam, when I heard the hon. Prime Minister I felt that even though he was very enthusiastic about developments being made in this country in various directions, and the need for solving many of our problems, he was thoroughly ignorant of the way and the method of solving the problems that face the country now. As I said, the report of the Planning Commission is only a collection of data from the various Provinces and private-sectors. It leaves no room for the amelioration of the lot of the people and for the development of the people as a whole as social beings. Great platitudes and great and enthusiastic words are there in the report. But as to how it is going to work for the welfare of the people there is nothing at all in it.

Khwaja Inait Ullah (Bihar): Wait for five years.

Shri R. Velayudhan: I am not going to wait for five years, because I believe in immediate solution for immediate problems, though at the same time I realise there are long-term problems which require long-term solutions also. It is clear to me that this Plan is only a development of the present working of the Government of

India and this Plan envisages nothing else. What we would like to have in India is a fundamental change of the social structure of the country, and unless and until that is accepted by the Government, no plan is going to be acceptable by the people of the country. That is not going to be adopted by the people of the country; nor will it enthuse the people of our country. What is the basis of this planning? The Prime Minister said he does not believe in philosophy. But there must be a philosophy of action or ideal behind certain things when we want to do certain things. But here we lack a philosophy of action and in this direction the Planning Commission has failed completely, it has failed miserably. Has it in any way enthused the people? No, it has thoroughly demoralised the people, it has practically killed the spirit of the people of India. When we are in that atmosphere or that background, this Plan has come to further degenerate the people. There is only one way to deal with these things and that to bring in clarity into our thinking. We need not confusion, but clarity of thinking.

This Plan lacks clear thinking and that is one fundamental objection which I have. They think that they can simply throw mud in the eyes of the people and thus satisfy them. The people of India will never be satisfied with this kind of platitudes, high-sounding words and talk of ideals which will not be worked out by the Government.

Mr. Chairman: What does the hon. Member want?

Shri Goenka (Madras): Thank you, Madam.

Shri R. Velayudhan: I am coming to that point. I say plainly that we want a thorough change of the social and economic structure of society.

Mr. Chairman: Should there not be a plan for that also?

Shri R. Velayudhan: Of course there is a plan for that also and if my party will come into power that plan will be worked out.

Shri Goenka: So it is a political speech and not on the Plan.

Shri R. Velayudhan: We stand for a socialistic structure of society in India and we believe that nothing but that will solve the present ills of society. There is no short cut and there can be no other goal for India. India will have to accept socialism. Of course the party in power has said not only in this House but elsewhere that they stand for democratic soci-

[Shri R. Velayudhan]

alism. That remains as a sort of platitude which will not be translated into action, for otherwise this Plan would not have come in its present shape. You cannot have a capitalistic system of society and at the same time raise the millions of our people to a higher standard of life. The evil of India today is that we have on top a capitalistic order. We want to retain it and at the same time you assure people with words that you want to give them food and clothing.

The Prime Minister mentioned about the vast amount of work that we can do in this country. There are four hundred million people here and they can do an enormous amount of work but he has plainly said that he does not want any change. He said that we cannot change the existing facts but what are the existing facts? Without changing the existing facts we cannot plan for the people of the country. You can plan for the few, for the capitalists and exploiters of the country but you cannot plan for the people of the country.

The Minister of State for Finance (Shri Tyagi): Does my friend want to change facts into fiction?

Shri R. Velayudhan: My friend cannot understand what the Plan is. I said that socialistic planning is the only kind of planning for India . . .

Mr. Chairman: May I suggest to the hon. Member that within the short time at his disposal he could usefully employ it by coming to the subject matter of the report and make some concrete suggestions instead of talking vaguely or in general terms.

Shri R. Velayudhan: Madam, it is my conviction that I am giving useful suggestions to the House but the House may not like them and they may not think that they are useful suggestions. But I am convinced that they are useful suggestions. I am not going to change my views simply for the sake of one individual or for party purposes. (Interruptions). Of course you are interrupting me, because you know that I am bringing a new idea to the people who like it and who are hankering for it today.

Mr. Chairman: May I tell the hon. Member that he has the protection of the Chair provided he would really make useful suggestions and suggest new ideas.

Khwaja Inait Ullah: Give at least one idea.

Shri Tyagi: Let him go on and he will throw out something useful also.

Shri R. Velayudhan: The whole difficulty is the Congress party has a big majority and they think they can heckle a Member who does not agree with them. It may be possible for sometime but it may not be possible for all time. When the Prime Minister said he can change the whole face of India if he can move the 400 million people in the country, the question that arises is: how is he going to move the 400 millions? I know if the Prime Minister gives an order it will be obeyed like a command in the country today, but then he is not giving the order; that is the difficulty. We are all going to support him if he gives the correct order to the people of the country, but he has not given it, he is not giving it.

Finally, let me tell you that this Plan only shows how Government is going to exploit the people of the country for the coming five years. It is not going to feed the people of the country, not going to clothe the people of the country, not even going to raise their standard if it is worked as it is. The report says that in the last four years Government has been working along these lines. The Plan has already been started from January and it is working now. We have got plenty of experience of this so far. Therefore, I say this Plan will be a failure. At the same time I say you will have to accept a Socialist plan if you stand for the people of the country, and the country will accept it; and if you do not accept that plan the country will change the Government.

श्री एस० ऐन० बालू : सभानेत्री जी, १९५० के मार्च में, भारत सरकार के प्रस्ताव द्वारा जिस योजना कमीशन की नियुक्ति हुई उसी समय से समस्त देश की आंखें उस की तरफ़ लग गईं। हिन्दुस्तान में जब राष्ट्रीय स्वतन्त्रता प्राप्त हुई मेरा क्याल है कि उस से जनता में कोई खास प्रकार का उभार नहीं आया क्योंकि हिन्दुस्तान की असली समस्या राजनीतिक न रह कर आर्थिक समस्या है। इस लिये जब १५ अगस्त, १९४७ को देश आजाद हुआ तब एक कार्यकर्ता की दृष्टि से मैं ने देखा कि हिन्दुस्तान में जैसी उमंग आजादी की बीसवीं बहिये थी वैसी उमंग और जोश भारत के काबों गाँवों और क़रोड़ों नर वारियों में

देखने को नहीं मिला। मैंने सोचा कि क्या कारण है कि हज़ार, या ऐसा कह सकता हूँ कि कई हज़ार वर्षों के बाद हिन्दुस्तान को राजा महाराजाओं के चंगुल से छुटकारा मिला और एक राज्य की छत्र छाया में रह कर हज़ारों वर्षों से त्राहि त्राहि करती हुई जनता को जब १५ अगस्त, १९४७ को स्वतन्त्रता के सूर्य के दर्शन हुए तो उससे देश की जनता को खुशी से उछल जाना चाहिये था। लेकिन हिन्दुस्तान की जनता राजनीतिक स्वतन्त्रता के बाद उछली नहीं। वरन् मैं तो यह कहूँगा कि कोई साधारण उत्सव आता है तो हिन्दुस्तान के लोग, गरीब से गरीब लोग, उस उत्सव को बड़े उत्साह से मनाया करते हैं, लेकिन ऐसे अवसर पर वैसा भी जोश और उत्साह गाँवों में और जनता में १५ अगस्त, १९४७ को नहीं मिला, और न उस के बाद ही। कारण उसका यह था कि हिन्दुस्तान चूँकि हज़ारों वर्षों से गुलाम रहा, और गुलामी हमारी नस नस में थी इस लिये और इस के साथ साथ हम हर तरह से भुल्ले थे, तबाह थे, शोषित थे, इस लिये जो उत्साह होना चाहिये था उतना नहीं हुआ।

मैं सभानेत्री जी, यह बताना चाहता हूँ कि जब १५ अगस्त, १९४७ में स्वराज्य प्राप्त हुआ और उस समय में विधान परिषद देश का भावी विधान बनाने में बड़ी व्यस्तता से लगी हुई थी, कोई कांग्रेस का कार्यकर्ता जिसने राष्ट्रीय आन्दोलन में भाग लिया था और इस बात की आशा की थी कि हिन्दुस्तान में राजनीतिक क्रान्ति के बाद आर्थिक क्रान्ति तुरन्त होगी, उनका क्याल था कि हिन्दुस्तान का विधान कुछ दूसरा ही बनेगा। मुझे अफसोस के साथ यह मानना पड़ता है कि जिस प्रकार से विधान परिषद का चुनाव हुआ और जिस प्रकार से विधान परिषद में सदस्य आये, उससे दूसरे प्रकार के विधान

की आशा नहीं की जा सकती थी। मेरा क्याल है कि उस समय के प्रतिनिधियों ने हिन्दुस्तान का वास्तविक प्रतिनिधित्व नहीं किया। जो मौलिक अधिकार हमने इस विधान के अन्दर दिये हैं, मैं समझता हूँ कि वह हमारे देश की भावी उन्नति के रास्ते में बाधक थे। जो हपारी गुलाबी की जंजीरें थीं उनमें तो हमने तोड़ दिया, लेकिन मौलिक अधिकार में, खास कर सम्पत्ति सम्बन्धी अधिकार में सामाजिक कल्याण के लिये भी हमें किसी भी प्रकार की सम्पत्ति को बिना मुआवज़ा दिये हुए लेने की आज्ञा नहीं देता है। इस तरह से हम लोगों ने अपने पांव में एक नई जंजीर बांध ली। इस वजह से कोई भी योजना कमीशन, हिन्दुस्तान की गरीबी को सामने रखते हुए, कोई ऐसी योजना नहीं बना सकता है जिससे जनता को कोई विशेष उत्साह मालूम पड़े, और हज़ारों वर्षों से शोषित जनता उमंग के साथ और जोश के साथ उस योजना को कार्यान्वित करने के लिये आगे बढ़े।

इस लिये मैं कहना चाहता हूँ कि कई महीनों के परिश्रम के बाद और अपने सामने विधान के जो बन्धन हैं उन विधान के बन्धनों को देखते हुए, योजना कमीशन में जो योजना तैयार की है वह प्रशंसा के योग्य है। हमारे माननीय प्रधान मन्त्री ने अपने ओजस्वी और प्रकाश डालने वाले भाषण में हमें बतलाया है कि इस योजना के बनाने के समय में उनके सामने क्या क्या बन्धन थे। मैं इस बात को मानता हूँ कि जिस परिस्थिति में हिन्दुस्तान को स्वराज्य मिला है और स्वराज्य मिलने के बाद हिन्दुस्तान की नासमझ जनता ने धर्म के नाम पर इस देश में जो एक कांड उपस्थित किया है, जो परिस्थिति उत्पन्न की है उसका जोड़ आज की दुनिया में नहीं है। ऐसी परिस्थिति

[श्री एस० ऐन० दास]

में और साथ ही साथ देश में जहाँ आज भी जिन्नावाद को कायम रखने वाला, जिन्ना साहब इस भूमि में अब नहीं हैं, लेकिन मैं समझता हूँ कि जिन्ना साहब को मानने वाले पाकिस्तान में तो हैं ही, हिन्दुस्तान में भी जिन्नावाद को मानने वाले बहुत अधिक हैं। भले ही उन का रूप अलग हो। ऐसी परिस्थिति में योजना सपिति ने हमारे सामने जो योजना रखी है मैं समझता हूँ कि विधान के जो हमारे सामने बन्धन हैं और देश की जो परिस्थिति है उस से अच्छी योजना शायद वह नहीं बना सकते थे जैसा कि उन्होंने इस रिपोर्ट में भी जगह जगह पर दिया है। योजना कमीशन, देश में जो हमारे साधन हैं, चाहे वह मानवी साधन हों चाहे भौतिक साधन हों, उन को पूर्ण तरह से इतने थोड़े समय में आंक नहीं सका। हिन्दुस्तान की जो भौतिक अवस्था है, हिन्दुस्तान के जो उत्पादन के साधन हैं उन साधनों के पूरे पूरे आंकड़े उस के पास नहीं हैं, फिर भी बहुत थोड़े समय में जो रूप रेखा योजना की योजना समिति ने बनाई है वह अभिनन्दीय है, विशेष कर वर्तमान परिस्थिति में।

मैं फिर एक बार कहना चाहता हूँ कि इस समय इस देश में और दूसरे देश में भी राष्ट्र ने जो जिम्मेवारी अपने ऊपर ले ली है, और जो बढ़ता हुआ काम राष्ट्र के ऊपर पड़ गया है व्यक्ति विशेष के मामूली से मामूली जीवन को ले कर और राज्य के बड़े से बड़े काम में जिस से हम देश की रक्षा का काम कर सकते हैं आज उस में राज्य का हाथ है।

लेकिन मुझे इस बात के कहने में संकोच नहीं है कि हिन्दुस्तान में गरीबी को दूर करने का बेकारी को दूर करने का और

देश में जो सामाजिक कुरीतियाँ हैं उन को दूर करने के लिये सही रास्ता निकालने का काम हम को लेना है, सरकार को लेना है। लेकिन इस समय देश में स्थिति क्या है। माननीय सदस्य जानते हैं कि राज्य के ऊपर जिम्मेवारी तो बहुत है, लेकिन देश में जो उत्पादन के साधन, धन के उत्पादन के साधन हैं, उन पर अधिकार किस का है? राज्य के काम में जिम्मेवारी, उत्तरदायित्व, तो हम ने बढ़ा दिया है, लेकिन राज्य के हाथ में शासन प्रबन्ध का भार तो है पर उत्पादन के साधन इस के हाथ में नहीं हैं। ऐसी हालत में कोई भी सरकार जो अपने सामने एक बड़ा आदर्श, आर्थिक आदर्श को रख कर चलेगी तो साधनों का अभाव उस को पग पग पर खलेगा। इस लिये ऐसी विकट परिस्थिति में जो योजना हमारे सामने रखी गई है, उस के विषय में मेरे पास पूरा समय नहीं है कि मैं व्यूरेवार वर्णन करूँ। माननीय सदस्यों ने उस को पढ़ा होगा और देखा होगा। मैं समझता हूँ कि वर्तमान परिस्थिति में यह योजना अभिनन्दीय है और इस को एक प्रकार से सीढ़ी बना कर हम आगे बढ़ सकते हैं। यह हमारे लिये सीढ़ी है और हम ने सही सही मानों में इस का उपयोग किया तो हम अवश्य ऊँचे चढ़ सकते हैं।

दुर्भाग्य से इस समय हमारे देश में धर्म के नाम पर जो वेस्टेड इंटरैस्ट्स (vested interests) हैं वह "नाना वाहन नाना रूपा" हो कर प्रकट हो रहे हैं। यह चुनाव आगे आने वाले हैं। इस समय आप देखेंगे कि हिन्दुस्तान की जो जनता है उस के सामने एक भावुक दृष्टिकोण रखा जायगा और बराबर अभी से यह प्रचार

किया जा रहा है, और किया जायगा कि जो सरकार चलाने वाले लोग हैं, वह सेक्युलर (Secular) अपने को कहते हैं, वह धर्म के खिलाफ हैं, राज्य धर्म निरपेक्ष है और सही दृष्टिकोण को भूल कर इस तरह से गलत प्रचार कर के जनता को भुलावे में डाला जा सकता है।

अब घंटी बज चुकी है, इस लिये मैं अधिक समय न ले कर अन्त में एक विषय दुहरा देना चाहता हूँ कि हिन्दुस्तान में सब से अधिक महत्व का विषय खेती का विषय है और योजना आयोग ने इस विषय को प्राथमिकता दे कर एक बहुत सही कदम उठाया है। लेकिन मैं साथ ही साथ यह भी कहना चाहूँगा कि समाज के शरीर में जो आर्थिक फोड़ा है, उस को हमारे प्रधान मन्त्री जी दिल से और दिमाग से समझते होंगे और मैं उन से अनुरोध करूँगा कि वह इस पर विशेष रूप से ध्यान दें। मैं महसूस करता हूँ कि हिन्दुस्तान के अन्दर हजारों वर्षों से बहुत से फोड़े पैदा हो चुके हैं। इस प्रकार के फोड़ों को यदि आपरेशन नहीं करेंगे, उस के अन्दर जो मवाद जमा हुआ है उस को आप नहीं निकालेंगे तो भिन्न भिन्न रूप में यह प्रकट हो कर आप की प्रगति के मार्ग में बाधक हो जायेंगे। इस लिये जो यह फोड़ा है उस का हम को निर्ममता के साथ, निर्दयता के साथ, आपरेशन करना पड़ेगा और यह कह कर आप उस को नहीं टाल सकते हैं कि हमारा डिमाक्रैटिक कांस्टीट्यूशन है। मैं तो यह कहूँगा कि यदि आप का डिमाक्रैटिक कांस्टीट्यूशन हमारी आर्थिक समानता के मार्ग में बाधा डालने वाला है तो हम को यह समझना होगा कि हम ने विधान बनाया है वह हमारे पैर में एक नई जंजीर है। हम ने यह विधान अपने आर्थिक क्षेत्र में उन्नति करने के लिये बनाया है।

इस लिये अन्त में मैं खेती के विषय में कहना चाहता हूँ कि जमींदारी खत्म करने के बाद बांध को ऐसा कदम उठाना पड़ेगा कि जमीन का मालिक जोतने वाला हो या राज्य हो। मैं यह मानता हूँ कि राज्य अभी मालिक नहीं हो सकता है। इस लिये अगर हम कोओपरेटिव खेती को लोगों की इच्छा के भरोसे छोड़ेंगे तो नहीं चलने वाला है। इस लिये खेती के क्षेत्र में और उद्योग के क्षेत्र में भी स्वेच्छा के आधार की छोड़ कर हमें कोओपरेटिव बेसिस पर और उसे लाजिमी कर के इस योजना को चालू करना पड़ेगा। मैं ने माननीय प्रधान मन्त्री का व्याख्यान बहुत ध्यान से सुना है। यद्यपि उस से मुझे पूर्ण सन्तोष नहीं हुआ है, लेकिन उन्होंने योजना के विभिन्न अंशों पर जो प्रकाश डाला है और उस से भविष्य में आशा की झलक दिखाई देती है। इस लिये मैं इस योजना का स्वागत करता हूँ और उम्मीद करता हूँ कि इसे सीढ़ी बना कर हमारे देश में जो आर्थिक स्वतन्त्रता का हमारा लक्ष्य है, आदर्श है, उस आदर्श पर हम पहुंच जावेंगे।

इन शब्दों के साथ मैं खत्म करता हूँ और उम्मीद करता हूँ कि इस आयोग को एक सीढ़ी बनाया जायेगा और जो समाज में फोड़ा है उस का आपरेशन किया जायगा।

(English translation of the above speech)

Shri S. N. Das (Bihar): Ever since the Planning Commission came into being in pursuance of the Government of India's decision taken in March, 1950, expectations have been aroused all over this country. The advent of independence in India, I consider, failed to enthuse our people in any particular way, because the real problem of our country is no more a political one but essentially economical. When therefore the country became independent on the 15th

[Shri S. N. Das]

August, 1947, from the viewpoint of a worker I observed that nowhere in the many lacs of Indian villages and among men and women populating them was that wave of expectation and enthusiasm was perceptible that normally ought to have accompanied our independence. I thought to myself the reason why our people had not felt jubilant at a moment when after a thousand years or, if I may say so, after many thousands of years India had succeeded in achieving freedom from the rule of aristocracy of the Rajas and Maharajas and when our people suffering for the last so many thousands of years under the same pattern of administration saw for the first time the dawn of freedom on the 15th August, 1947—which fact ought to have made them so hilarious. The masses in India did not, however, evince any such spirit of rejoicing after their Political emancipation. I will go further to submit that the humblest amongst Indians celebrate even very ordinary festivals more enthusiastically. But not even that much enthusiasm could be seen either on the 15th August, 1947 or ever afterwards. The reason for this apathy was to be found in our slavery spread over several thousands of years—slavery which had crept into our very veins. Further, we were hungry, impoverished and exploited in every respects. Our Nation, therefore, lacked that enthusiasm which ought to have been released on such an occasion.

When freedom came on the 15th August, 1947, our Constituent Assembly was engaged in the task of framing the future Constitution of our country. At that time any worker of the National Congress, who had participated in the Independence Struggle in the belief that economic revolution was sure to come in the quick wake of political emancipation, had expected quite a different type of Constitution. I have, however, to confess with regret that looking at the way the Constituent Assembly came into being and the procedure followed in electing its Members, a different type of Constitution could have hardly been expected. I feel those representatives have failed to represent the real India. I feel also that the fundamental rights provided for in our Constitution have proved a stumbling block in the way of our future progress. We succeeded in breaking off our shackles of slavery, but in the shape of fundamental rights—particularly the one regarding property which does not permit its acquisition without

compensation even for purposes of social welfare—we have created new boundages for ourselves. For this reason and keeping in view India's poverty, no Planning Commission can be expected to be competent to draw up a plan which may go to enthuse our people and make a populace exploited over thousands of years exert itself to implement the same with fervour and enthusiasm and march forward in that direction.

I, therefore, keeping in view their labours and various limitations imposed by the Constitution, regarding this Plan prepared by the Commission as a praiseworthy attempt. The hon. Prime Minister in his inspiring and enlightening speech has described in detail the various handicaps that faced them in the task of evolving a Plan. I concede that the circumstances in which India achieved her independence and the tragedy enacted thereafter in the country by our ignorant masses in the name of religion did create a situation which is without a parallel in the annals of the world. Under such circumstances and coupled with the fact that besides their overwhelming number in Pakistan, there is quite a large number of people here in India also who profess Jinalism though in a different form and despite Mr. Jinnah being no more in this world, the Planning Commission, I think could not possibly have placed a better Plan before the country within the framework of various restrictions imposed by our Constitution and under the peculiar circumstances prevailing at present. This fact has been referred to at a number of places in the Report itself. The Commission within the short time at its disposal, has not been able to conduct a full survey of the resources available in the country regarding men and material. They have not got all the figures relating to India's material resources and productive capacity. Despite this all, the outlines of the Plan which the Commission had drawn within this very short time are praiseworthy particularly in the situation obtaining in the country at present.

I wish to repeat that today the State has its full share in the responsibility which our Nation has assumed to itself in this or in any other country as also in other multifarious increasing functions which now devolve upon it—right from the most ordinary aspects of individualistic life to the most important one which may concern the Defence of the country

itself. But I feel no hesitation to add that we or the Government of this country have got to take it upon ourselves to find some way to eliminate poverty, unemployment and so many social evils and malpractices from this country. What is, however, the situation obtaining in the country? The hon. Members are quite aware as to who controls the production and monetary resources of the country notwithstanding the tremendous obligations that devolve upon the State. Whereas we have increased the responsibility and obligations of the State in the day to day administration of the country, it does not enjoy any control over the administration of her various resources. Under such circumstances any Government working upto a lofty economic or financial ideal is bound to feel the paucity of resources at every step. I, therefore, feel handicapped for want of time to enter into every detail of the Plan placed before us under the most difficult situation as confronts the country at present. The hon. Members must have seen and studied the Plan. I regard this Plan praiseworthy under the present circumstances and I think we can use it as a step for further progress. This is a ladder for us which if used in a right manner can take us higher and higher still in our all round progress.

Unfortunately for us, many vested interests which exploit the name of religion, are appearing before us in various disguises. The general elections are to come off in the near future. At that time you will find that a gospel based on sheer sentimentalism will be placed before the public in this country. It shall be preached time and again, as is, in fact, already being done. It will then be said that those in charge of our administration profess secularism, but they are opposed to religion and are quite apathetic towards it. The people are apt to become oblivious of the correct viewpoint and, thus, get misled.

The bell has gone. I, therefore, do not propose to take any more time and wish to repeat only one thing—that agriculture is the most important aspect of India's economic life, and that the Planning Commission, by giving it to top priority, have done a very right thing. I, however, wish to submit that our hon. Prime Minister must have given his utmost attention to understand the real

economic malady from which our society is suffering I will like to plead with him to give particular attention towards agriculture. I realise that India has suffered many grievous cuts in her body-politic during the past several thousands years and if it is not given a proper surgical operation, the blocked refuse will retard the pace of our progress in many ways. You will have, therefore, to perform this operation quite mercilessly and with utter remorselessness. You cannot escape with the excuse that ours is a democratic Constitution. I am rather of the view that if this democratic Constitution of ours is to prove an obstruction in the way of our economic equality then we have to look upon the Constitution as a new shackle for ourselves. We have adopted this Constitution with the intention of achieving prosperity in the economic sphere.

In conclusion, therefore, I wish to refer to agriculture and submit that after the abolition of *Zamindari*, our next step should be to declare the land either belongs to the actual tiller of the soil or to the State itself. I concede that our State is not in a position just now to assume the ownership of the land. By leaving the task of co-operative cultivation to the voluntary efforts of the people we will not, therefore, achieve the goal. For that reason we will have to forego the principle of voluntary basis in the agricultural and industrial spheres and rather we will have to adopt the co-operative basis as a compulsory measure for the implementation of the Plan in these two spheres. I have listened to the speech of the hon. Prime Minister with rapt attention. Although it has not fully satisfied me, yet he has thrown some light on the Plan which has beams of hope for the future. I, therefore, welcome this Plan and entertain the hope that we shall be able to use it as a step to reach our target in respect of economic independence.

I want to express the hope that this Commission will be used as a step and that a surgical operation will be performed for the ailment from which our society is suffering these days.

The House then adjourned till Nine of the Clock on Tuesday, the 16th October, 1951.