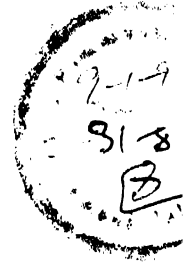
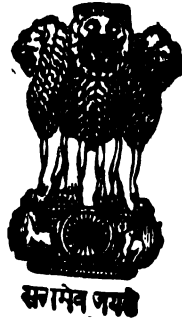


Tuesday, 8th May, 1951



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME VII, 1951

(2nd April to 16th May, 1951)

Third Session (Second Part)

of the

PARLIAMENT OF INDIA

1951

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

4021

4022

PARLIAMENT OF INDIA

Tuesday, 8th May, 1951

*The House met at Half-past Eight of
the Clock.*

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

EXPENDITURE ON TRAVELLING ALLOWANCES

*3928. Prof. K. T. Shah: Will the Minister of Communications be pleased to state what was the amount spent on account of travelling allowances by his Ministry, including attached and subordinate offices, for—

- (i) the hon. Minister himself;
- (ii) the Public Servants or officials of the Ministry; and
- (iii) members of the non-official public travelling on the work of, or in connection with the work of, the Ministry, in the years 1946-47, 1947-48 (post-partition), 1948-49 and 1949-50, distinguishing, for each year, the amounts spent on this account in India, and for journeys outside India?

The Minister of Communications (Shri Kidwai): A statement giving the information required is laid on the Table of the House. [See Appendix XXIV, annexure No. 27.]

Prof. K. T. Shah: In the statement there are two payments mentioned as having been made to Mr. Nishtar after Partition. I want to know whether payments of this character have not been included in the general settlement but have been made individually as in the case of Mr. Nishtar and also whether there are other people to whom similar payments have been made.

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Shri Kidwai: These payments have not been made to Mr. Nishtar. The travelling took place before Partition and therefore the bill had to be paid by the Government of India.

Prof. K. T. Shah: But the payment was made after Partition?

Shri Kidwai: Yes, it was made in 1949-50, which I suppose is after Partition!

IRRIGATION PROJECT NEAR LAKKUVALLI

*3929. Shri Rudrappa: (a) Will the Minister of States be pleased to state whether it is a fact that the Government of Mysore have undertaken the construction of a major irrigation project near Lakkuvalli in Chikkamagalure District?

(b) Have the Government of Mysore made any request to the Government of India to give financial help to complete this project and if so, what action has been taken in the matter?

The Minister of States, Transport and Railways (Shri Gopalaswami): (a) Yes.

(b) Yes. The Government of India have granted a loan of Rs. 1.50 crores to the Mysore Government during 1950-51 for irrigation and Hydro-electric projects in the State. A further loan of Rs. 1.50 crores is likely to be granted during 1951-52. It has not yet been decided if any portion of the loan should be allocated to this particular project.

Shri Rudrappa: What is the estimated cost of this project?

Shri Gopalaswami: I am afraid I must have notice.

Shri Rudrappa: What is the total area of land that is expected to be brought under cultivation?

Shri Gopalaswami: The information will be more properly obtainable from the Mysore Government.

Shri Rudrappa: May I know whether the Government of India have prepared any priority list of the various schemes submitted by the State Governments, according to which list the schemes will be taken up?

Shri Gopaldaswami: The Government of India will decide the priority after consultation with the Planning Commission.

Shri Rudrappa: May I know whether this scheme is also under the scrutiny of the Planning Commission?

Shri Gopaldaswami: Yes.

GANDHI BHAWAN AT TIKAMGARH

*3930. **Shri Dwivedi:** (a) Will the Minister of States be pleased to state whether any sum of money out of the sanctioned amounts of Rs. 24,000 for the maintenance of Shri Gandhi Bhawan at Tikamgarh was spent over and above the salaries and allowances, if any, of the employees there?

(b) Is it a fact that Shri Banarasi Dass, the founder of the Bhawan, resigned his office?

(c) Do Government contemplate to continue the work in any other manner?

The Minister of States, Transport and Railways (Shri Gopaldaswami): (a) No.

(b) Yes.

(c) The Government's intention is to start a Basic Education Centre on this site.

Shri Dwivedi: Is it a fact that Shri Banarasi Dass resigned from his office, because the funds sanctioned for the purpose for which he had been working there were not made available to him?

Shri Gopaldaswami: He has relieved himself of the duties of his office. I do not think he resigned on the ground stated by the hon. Member.

Shri Dwivedi: What was the reason for his resignation?

Shri Gopaldaswami: I may read out perhaps an extract from his letter:

"I learn with considerable joy that the Vindhya Pradesh Government has decided to open a Basic Training School at Tikamgarh and had I been an educationist, I should have considered it a great privilege to serve the institution. Unfortunately I know nothing about Basic Education. It will not be honest on my part to take up that work."

Shri Dwivedi: What was the reason that the constructive work done there on the lines of Mahatma Gandhi's programme was abandoned and preference given to the Basic Education work?

Mr. Speaker: That is a question of detail which should properly be put to the organisers.

Shri Dwivedi: May I know whether the Gandhi Memorial Library which was in existence at the Ashram has been closed down or is it in existence? What is the cost of its maintenance and the staff employed there?

Shri Gopaldaswami: I am afraid I have no information on that.

Shri Dwivedi: I want to know which is the authority which decided on the abolition of the Ashram and the introduction of the Basic Education scheme? Was it the States Ministry or the Vindhya Pradesh Government?

Shri Gopaldaswami: I understand that a visit was made to the Ashram by the Chief Minister and the Director of Education. They observed that no activities of practical utility were being carried on at Tikamgarh and they suggested that Basic Education on the Wardha lines may be started there.

CASTOR SEED AND CASTOR OIL

*3931. **Shri S. N. Sinha:** Will the Minister of Food and Agriculture be pleased to state:

(a) the total production of castor seed and castor oil during the last two years; and

(b) the total requirements of castor seed and castor oil?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) The total production of castor seed and castor oil in India during the last two years is estimated as follows:

	(Thousand tons)	
	1949-50	1950-51
Castor seed	128	106
Castor oil	30	25

(b) The total requirements of castor seed and castor oil in India are estimated at 6,000 tons and 24,800 tons respectively.

Shri S. N. Sinha: Is it a fact that there has been free export of castor oil from this country?

Shri Thirumala Rao: I am not certain whether the Commerce and Industry Department exercised control in issuing licences in this regard.

Shri S. N. Sinha: Is not the Minister of Agriculture consulted by the Commerce Ministry before they permit the export of castor oil?

Shri Thirumala Rao: I want notice.

Shri T. N. Singh: Is it a fact that the Export Department consulted the Ministry of Agriculture with regard to the export of castor seed and castor oil?

Shri Thirumala Rao: Generally the Industry and Commerce Ministry do consult us about the exportable surplus of these agricultural commodities.

Shri T. N. Singh: What was the reason why any reduction was made in the quantity of export of castor seed and castor oil? Was it on the advice of the Agricultural Department?

Shri Thirumala Rao: I want notice.

Babu Ramnarayan Singh: What are the reasons why oils are not exported instead of oilseeds?

Shri Thirumala Rao: A certain quantity of oil is already being exported.

Mr. Speaker: The point seems to be that instead of the oil extracted or the manufactured product being sent out, why is the raw material being sent outside?

Shri Thirumala Rao: I want notice.

Shri Jnani Ram: Have any attempts been made to increase the production of castor seed?

Shri Thirumala Rao: No attempt on the part of the Government has been made.

Shri S. N. Sinha: Is it a fact that the Agriculture Ministry set a ceiling for the export of castor oil and castor seed and the export quota has actually exceeded that ceiling?

Shri Thirumala Rao: There is a method of calculation for our internal requirements such as, for instance, lubrication, industrial, medicinal and other uses. The total requirement for internal consumption is about 25,000 tons of oil. Any oil produced over and above that figure is allowed for export.

KARNATIC STIPENDS

*3932. **Shri B. K. Panik:** Will the Minister of States be pleased to state:

(a) how and why the Karnatic stipends embodied in Demand No. 73 are given;

(b) the persons who are entitled to these stipends;

(c) the purposes for which they are given and the authority by which it is continued as also the class of persons receiving such stipends; and

(d) whether it is classified as a changed or non-changed item?

The Minister of States, Transport and Railways (Shri Gopaldaswami): (a) to (c). The Karnatic stipends were sanctioned for the benefit of the Prince of Arcot, his family and descendants. The payment of the pensions is being continued in accordance with the terms of the original grants.

(d) The payment is subject to the vote of the House.

Shri B. K. Panik: May I know whether the body which allots this stipend is an official or a non-official body?

Shri Gopaldaswami: The stipends are administered by the Madras Government.

Shri B. K. Panik: Is there any agreement or any trust deed by virtue of which these stipends are allotted?

Shri Gopaldaswami: They are based upon grants and orders issued many many years ago.

GRANT OF Jagirs IN VINDHYA PRADESH

*3933. **Shri Dwivedi:** (a) Will the Minister of States be pleased to state the policy of Government in connection with the grant of *Jagirs*, *Muafies*, buildings, land, lakes, forests etc., on the eve of transfer of power by the rulers of former states now comprising Vindhya Pradesh?

(b) Is it a fact that, in many cases, the rulers passed orders for such grants, giving dates which were past by months?

(c) Will Government lay on the Table of the House a complete list of properties given out by the Government of India as private properties of the ex-ruler of each State; and the properties given by the former rulers to their relatives and near-abouts as grant of some kind or the other?

The Minister of States, Transport and Railways (Shri Gopaldaswami): (a) The policy of Government is that while all reasonable commitments are honoured, any commitments made *malà fide* and in anticipation of the merger are liable to repudiation.

(b) The Government are not aware of any such case.

(c) As stated in reply to Starred Question No. 110 on the 11th August, 1950, it is not considered proper to disclose the details of private properties recognised as such; it will serve no useful purpose to undertake the very laborious process of collecting information relating to all grants made by rulers of former Indian States to their relatives and others before the merger. It would be better to let each case be dealt with on the merits as it arises or is brought to notice.

Shri Dwivedi: May I know whether the Government consulted any political organisation or popular bodies in Vindhya Pradesh in connection with the settlement of such private properties? Because information on whether the buildings and lands transferred by the rulers belong to the State or should go to the rulers is supposed to be known to the public. I want to know whether Government consulted any such persons or bodies.

Shri Gopaldaswami: I don't think any political bodies were consulted.

Shri Dwivedi: On what basis were the properties given to the rulers?

Shri Gopaldaswami: The ruler submits inventories of private properties. They are checked with the assistance of local officers and negotiations are started between the representatives of the States Ministry and the ruler concerned. If there is a State Government involved that also is consulted, and the final list is settled after such consultation.

Shri Dwivedi: May I know if Government have conducted any inquiry to ascertain whether any property was given by any ruler to his relatives or other connected persons by means of ante-dated grants, or do Government contemplate to conduct any inquiry in the future?

Shri Gopaldaswami: If any *meis fide* transactions are brought to notice all possible inquiries will be made.

Shri M. L. Gupta: Apart from these transactions, may I know if any property has been claimed by a ruler as private property and it is disputed by some other party, political party or others, will that also be inquired into?

Shri Gopaldaswami: Certainly they will inquire into such cases.

Shri Dwivedi: I want to know whether Government do not consider the act of giving jagirs by rulers to their relatives as creation of States within States.

Mr. Speaker: Order, order. That is a matter of opinion.

Shri Dwivedi: May I ask whether Government contemplate the abolition of *jagirdari* in Vindhya Pradesh in the near future?

Shri Gopaldaswami: I think they contemplate it everywhere.

Pandit Munishwar Datt Upadhyay: May I know whether between the dates of decision of merger and enforcement of merger any steps were taken to prevent transfer of properties?

Shri Gopaldaswami: Strictly speaking, according to the letter of their rights the rulers have authority to make transfers before the date of merger, and if transfers were made because of the fact that merger was coming on, in order to anticipate it, then we have repudiated such transfers.

Sardar Sochet Singh: Were any properties which were paid for out of the State treasury and not out of the privy purse of the ruler, also included in the list of private properties?

Mr. Speaker: I think the question is rather wide. It may be important but this question relates only to Vindhya Pradesh.

DEMAND FOR RATIONED CEREAL

*3935. **Shri Kshudiram Mahata:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether there has been any less demand for rationed cereal in Delhi area as a result of Women's Council for Supplementary Food; and

(b) if so, the quantity so less demanded by card holders during January and February, 1951?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) and (b). It is not possible to indicate the precise extent of such saving. The cafeterias run by the All India Women's Food Council in New Delhi serves non-cereal foods to a large number of persons every day. If these persons had consumed foods made out of rationed cereals, there would have been an increased consumption of rationed foodgrains. In this respect, therefore, the All India Women's Food Council should be regarded as having effected a saving in the consumption of rationed cereals, though it may not be possible to gauge the precise extent of such saving.

Shri Kshudiram Mahata: Is there any arrangement or literature by the Women's Council of Supplementary

Food in Delhi to impart instruction in the art of using non-cereals in place of cereals to family persons?

Shri Thirumala Rao: Yes, Sir; a pamphlet containing about 32 recipes that could be made out of non-cereals has been prepared and printed; it is being circulated all over the country through the Women's Food Council, and if housewives or gentlemen are interested in knowing the art of cooking these things they can go to the cafeteria where they will be shown the method.

Shri Rathnaswamy: Since it is established beyond any shadow of doubt that the noble activities of this institution have had a salutary effect in that they have brought about a lessening of pressure on the rationed cereals, do Government have any concerted plan to help this institution to spread its activities.....

Mr. Speaker: Order, order. He is expressing an opinion and making a suggestion for action.

Shri Kshudiram Mahata: Do Government propose to introduce the use of non-cereals in place of at least a certain portion of cereals used in all Government hostels in Delhi?

Shri Thirumala Rao: That is also a suggestion for action.

Mr. Speaker: Yes.

Shri Rathnaswamy: May I ask.....

Mr. Speaker: Let them inquire into the work of the Women's Food Council. I think the pamphlet was circulated to all hon. Members last evening and hon. Members had better study that.

RAILWAY CLAIMS

*3937. **Shri Raj Kanwar:** Will the Minister of Railways be pleased to state:

(a) the total number of claims pending on the 1st January, 1951 for three years or more on each Government Railway;

(b) the total number of claims disposed of by each Government Railway during each of the past three years; and

(c) the average time taken in the disposal of each claim by each Government Railway during the year 1950-51?

The Minister of State for Transport and Railways (Shri Santhanam): (a) to (c). A statement giving the

required information is laid on the Table of the House. [See Appendix XXIV, annexure No. 28.]

In order to avoid any misunderstanding, I may inform the hon. Member that the statement does not include the pre-partition claims and court cases.

Shri Raj Kanwar: Have Government under consideration any scheme for the expeditious disposal of railway claims as, for example, by devolution of powers, which would eliminate unnecessary delay such as has happened over the Oudh-Tirhut Railway where as many as 13 cases over three years old are pending?

Shri Santhanam: We have in fact taken all possible steps for speedy settlement of all claims and now generally few claims of over three months are outstanding. In the particular cases mentioned there may be other factors causing delay.

Shri Raj Kanwar: From the statement placed on the Table of the House it appears that over the Assam Railway the average time taken for the disposal of a railway claim is 41 days, whereas on the B.B. & C.I. Railway it is 98 days; on the G.I.P. Railway 87 days and on the B.N. Railway 77 days. May I know whether this wide discrepancy is due to personal equation?

Shri Santhanam: The hon. Member must reflect that the Assam Railway is a very small Railway.

Shri Raj Kanwar: Who is the final authority for settling railway claims, and does any appeal or revision lie from his orders?

Shri Santhanam: The Chief Commercial Manager in each Railway or the Deputy Commercial Manager as the case may be is the final authority, and there is appeal to the General Manager who may consider such appeals.

Kaka Bhagwant Roy: May I know whether the claims arising out of the Kashmir Mail disaster which occurred on 1st February, 1950 have all been disposed of, or are some still pending?

Shri Santhanam: The question refers to claims; not to compensation.

Prof. S. L. Sakseena: Are Government aware that the amount paid for claims in the recent past is far in excess of the amount that was paid previously on the B.M. and O.T. Railways?

Shri Santhanam: During the war, the accumulations of claims and the

losses were greater. In fact, the accumulation was very great and during 1947-48 and 1948-49 the payments have also been very heavy. But as the statement shows, there is a definite decline in the total number of claims and consequently there will be a decline in the total amount of payment also.

TARGETS FOR JUTE AND COTTON PRODUCTION

*3938. **Dr. Ram Subhag Singh:** (a) Will the Minister of Food and Agriculture be pleased to state whether it is a fact that Government have fixed targets for jute and cotton production in the year 1951-52?

(b) If so, what are these targets in bales?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) and (b). The targets of increased production of jute and cotton are being framed in consultation with the States concerned.

Dr. Ram Subhag Singh: Has there been any increase in the target figure fixed for 1950-51 over the target figure fixed for 1949-50?

Shri Thirumala Rao: I have not got the figures here. I want notice.

Dr. Ram Subhag Singh: May I know whether Government are proposing to provide some money this year for supplying seeds, fertilizers etc. to cotton growers?

Shri Thirumala Rao: Yes, Sir. In preparing the programme for 1951-52, a certain amount of money is allotted for the purposes mentioned by the hon. Member.

Dr. Ram Subhag Singh: May I know whether Government have granted some money for increasing jute production this year?

Shri Thirumala Rao: Yes, Sir. For jute production also, a certain amount of money is allotted for the same purposes.

Dr. Ram Subhag Singh: What is the amount?

Shri Thirumala Rao: I want notice, because the arrangement for the year 1951-52 is not finalised yet.

Shri Challa: What was the actual area under jute cultivation in West Bengal and Assam in 1950-51?

Shri Thirumala Rao: I have not got the figures for Assam just now. I have got them for other States.

Mr. Speaker: I believe the figures were furnished by the hon. Food Minister some time ago. But I am not sure whether they were in reference to Assam.

Seth Govind Das: Is it not a fact that Government had fixed a target for jute and cotton production in 1949-50 and that target has not been reached so far?

Shri Thirumala Rao: Yes, Sir. It was made clear more than once that it was not attained.

Dr. Deshmukh: May I know by what date the estimate would be ready, because the cultivation of cotton starts in the first week of June?

Shri Thirumala Rao: We have asked the State Governments to expedite their replies and we are expecting them any moment.

FOOD GIFTS

*3939. **Dr. Ram Subhag Singh:** (a) Will the Minister of Food and Agriculture be pleased to state whether it is a fact that some food gifts have been received by Government from foreign countries?

(b) If so, what is the total quantity of rice, wheat and other food materials received this year from those countries?

(c) What are the names of the countries which have sent us food gifts?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) Yes.

(b) Rice 2,016 tons and Dates 50 tons.

(c) Thailand, Burma and Iraq.

Dr. Ram Subhag Singh: May I know whether it is a fact that the United Nations is trying to raise some money amongst its member nations to buy foodgrains for India?

The Prime Minister (Shri Jawaharlal Nehru): May I answer that? We are not aware of the United Nations taking any step officially, but there are some steps being taken in various countries by non-official organisations, more especially in the United States of America, and the answer given by my hon. friend just now refers to some actual commodities received here; but, in fact, they have been received by our Embassies in small quantities and collected and will be sent. So, it is not a complete answer in that sense. Of course, there has been widespread sympathy in some countries and plenty of, if I may say so, common folk have brought in some gifts and

deposited them with our Embassies which are being gradually sent here.

Shri Kamath: Has Government got any settled policy about the acceptance of food gifts from foreign countries, or is each offer examined on an *ad hoc* basis on its own merits?

Shri Jawaharlal Nehru: There is no question of examining offers on any merits. If a farmer comes and offers, let us say, 100 bushels or 10 bushels of wheat, the fact is not examined by any yardstick. It is accepted with gratitude.

Shri Kamath: I refer to offers from countries, not individuals.

Shri Jawaharlal Nehru: The question of food gifts from countries has not arisen except in the case of the United States of America, where the hon. Member will know that some Bills are being considered at the present moment. The matter is one which I can hardly deal with in a supplementary question. I should gladly deal with the matter at a later stage.

Shri Rathnaswamy: Is it a fact that some of the youth organisations in America have promised to extend their helping hand to the suffering people of Madras and Bihar and if so, in what shape has their sympathy found expression?

Shri Thirumala Rao: Our information is also, like the hon. Member's from the newspapers so far.

FOOD STORAGE

*3940. **Shri S. N. Das:** Will the Minister of Food and Agriculture be pleased to state:

(a) the number of officers in each State who have received training in method of storage of food grains under the auspices of the Government of India;

(b) to what extent storage conditions have improved in the various States; and

(c) what was the total quantity of food grains lost due to insufficient and defective storage?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) A statement is placed on the Table of the House. [See Appendix XXIV, annexure No. 29.]

(b) Normally the losses are estimated at 3-5 per cent. and these have been brought down to about 1 per cent.

(c) Statement is placed on the Table of the House. [See Appendix XXIV, annexure No. 30.]

Shri S. N. Das: May I know what is the nature of the training that is imparted?

Shri Thirumala Rao: The training includes the methods of fumigation, storage etc. and how the storehouses and warehouses are to be kept rat-proof, insect-proof etc.

Shri S. N. Das: Are Government aware that the officers trained at these centres carry the knowledge they have acquired to the farms and the homes of the peasants?

Shri Thirumala Rao: These officials are recruited from the States. We request the States to send us a certain number of officials to receive training at these centres, and they are deputed by the States. After training, they go back to the States and are attached to the respective Food Departments and the experience gained by this training is utilised by them.

Shri S. N. Das: I want to know whether the Central Government are aware as to how far the knowledge acquired by these officers is carried to the villages.

Shri Thirumala Rao: It is not a question of these officers going to the villages. Personally, I know that a large number of these trained officers are being put to good use by the State Governments in regard to storage and distribution of foodgrains.

Shri S. N. Das: What is the period of training?

Shri Thirumala Rao: About three weeks for each class.

Mr. Speaker: It appears that the training is intended for storage etc. by the State itself and not by the individual agriculturist.

Shri Thirumala Rao: Yes, Sir. The Central Government organise these training classes for the benefit of State Governments.

Mr. Speaker: But what is the object of training these officers? Are they expected to go round to the villages?

Shri Thirumala Rao: The State Governments own a number of godowns, and certain State Governments buy and store grain in several places and sometimes in private godowns also. It is to look after these godowns that we give training to State Government officials.

Shri S. N. Das: May I know the number of godowns owned by the Central Government?

Shri Thirumala Rao: Only three days ago, I laid a statement on the Table of the House giving the details of the godowns owned by the States as well as the Centre.

RAILWAY ACCIDENTS (REPORT)

*3941. **Shri S. N. Das:** (a) Will the Minister of Railways be pleased to state whether the report of the judicial enquiry regarding the cause of accident to 320 Down Goods and 7 Up Toofan Express on the E.I. Railway on the 13th August, 1950 has been received by Government?

(b) If so, what is the finding of the enquiry?

The Minister of State for Transport and Railways (Shri Santhanam): (a) and (b). The hon. Member is referred to the replies given during the current session of Parliament, to the under-mentioned questions on the same subject:

(i) Starred Question No. 1382 by Shri M. P. Mishra on 12th February, 1951.

(ii) Starred Question No. 1570 by Prof. S. N. Mishra on 20th February, 1951.

Shri S. N. Das: May I know whether the hon. Judge enquiring into the accident has passed any adverse remarks on some of the witnesses?

Shri Santhanam: Copy of the report was placed on the Table of the House and is available in the Library. The hon. Member can find it out for himself from the report.

CENTRAL COMMITTEE ON SOIL SCIENCE

*3942. **Shri S. N. Das:** (a) Will the Minister of Food and Agriculture be pleased to state whether the Central Committee on Soil Science has been wound up?

(b) If so, what are the reasons therefor?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) Yes.

(b) The functions of the said Committee are being discharged by the Soil Science Committee of the Indian Council of Agricultural Research and other scientific organisations of India. The existence of a separate Central Committee on Soil Science was therefore considered unnecessary.

Shri S. N. Das: May I know, Sir, when this Committee was constituted?

Shri Thirumala Rao: It was constituted by a resolution, dated 7th June, 1949.

Seth Govind Das: What has been the expenditure on this Committee and by winding it up has any retrenchment been effected?

Shri Thirumala Rao: No, Sir. It is a Committee of experts on which not much expenditure need be incurred at all. As it was found that it was redundant to have two Committees doing the same work, it was decided to wind this Committee up.

EX-NORTH WESTERN AND BENGAL AND ASSAM RAILWAY STAFF

*3943. **Shri P. Basi Reddi:** Will the Minister of Railways be pleased to state:

(a) the number of India-opted ex-North Western and Bengal and Assam Railway Staff whose status *vis-a-vis* the other staff has not been determined yet;

(b) the reasons for the non-determination of their status so far; and

(c) the steps taken by Government for an early settlement of the issue?

The Minister of State for Transport and Railways (Shri Santhanam): (a) to (c). The information is being collected from the Railway Administrations and will be laid on the Table of the House in due course.

Shri P. Basi Reddi: What are the principles on which the relative seniority of these railway servants were fixed?

Shri Santhanam: The general principle is that these railway servants should be put in each railway to which they have been posted in the same place as they would have occupied if they had originally entered that railway. That is the general principle. Of course, there are various difficulties in the application of that principle and they are being looked into.

Shri Kesava Rao: May I know the reason for the delay in deciding the seniority of these railway employees?

Shri Santhanam: It is not as if there is delay in all cases. Many of these cases have been settled. There may be some difficult or marginal cases which may remain unsettled and that is why we have to collect all this information.

GANGAYAPALLE-CHAVALI RAILWAY LINE

*3944. **Shri P. Basi Reddi:** (a) Will the Minister of Railways be pleased to state whether Government have any proposal to construct a Railway line from Gangayapalle Railway station in

Cuddappah District on the Madras-Bombay line to the iron-ore mines at Chavali?

(b) If so, when is the work to commence and when is it likely to be completed?

The Minister of State for Transport and Railways (Shri Santhanam): (a) There is no such proposal under consideration.

(b) The question does not arise.

Shri P. Basi Reddi: Did the owners of these mines apply for the construction of a railway siding?

Shri Santhanam: The owners applied for a railway siding to the Ministry of Commerce who referred the matter to the Railway Board. The Railway Board requested them to put in a formal application to the General Manager of the M. and S. M. Railway. The mine-owners did not do anything whatever.

Shri Kesava Rao: Is the Railway Board aware of the recommendations of the Rayalaseema Economic Development Board and its request for opening new lines in Rayalaseema?

Shri Santhanam: That is a question which has been already answered during the session. But this particular question has no reference to the general issue.

RAILWAY SERVICES RULES, 1949

*3945. **Shri P. Basi Reddi:** Will the Minister of Railways be pleased to state:

(a) whether Government have had any occasion to take any action under the Railway Services (safeguarding of National Security) Rules, 1949, ever since their promulgation; and

(b) if so, the number of Railway servants against whom action has been taken under the said Rules from the date of their promulgation up-to-date?

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

(b) Action has so far been taken against 159 railway employees.

Shri P. Basi Reddi: What are the various categories of service to which the railway servants against whom action was taken belong?

Shri Santhanam: I have not got the break-up of the jobs occupied by the employees. I have got only the break-up according to the railways.

COLOUR FOR Vanaspati

*3946. **Pandit Munishwar Datt Upadhyay:** Will the Minister of Food and Agriculture be pleased to state whether the Committee appointed by Government has been able to come to a decision regarding the colour which may be used for colouring vanaspati without any injury to the health of the consumers?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): The Committee has met only once on 14th April, 1951 and has not completed its labours as yet.

Pandit Munishwar Datt Upadhyay: May I know, Sir, where the experiment of colourisation is being conducted?

Shri Thirumala Rao: The Committee was appointed to find out whether a lasting colour could be found to colour vegetable oil. The Committee is finalising a questionnaire and circulating it to all the scientific institutions in the country and also to producers of vegetable oils to give information to the Committee as to whether a suitable colour can be devised.

Seth Govind Das: By what date is it expected that the work of this Committee would be over and by what date its report will be available?

Shri Thirumala Rao: As soon as possible, Sir.

Seth Govind Das: I want to know the exact date, because this has been going on for such a long time. "As soon as possible" is no reply to my question.

Shri Thirumala Rao: I am trying to expedite the work of this Committee. I assure the House that no delay will be made which is not absolutely necessary.

Shri Shiv Charan Lal: Will Government be able to finish the work of this Committee in the twentieth century?

Mr. Speaker: Order, order.

Shri Thirumala Rao: At any rate during the life-time of this House.

Shri T. N. Singh: The hon. Minister said that a questionnaire is being sent by the Committee to the various scientific institutions. May I know how any research can be carried out through questionnaires?

Shri Thirumala Rao: The questionnaire is being finalised and will be circulated. We are also getting into touch with the leading scientists in the country.

Mr. Speaker: The point was that a questionnaire was being sent to-

scientists and also to the producers of vegetable oil to find out what they have to say.....

Shri Thirumala Rao: We have drawn up a list of people to whom this questionnaire has to be sent. I believe, people like my hon. friend Seth Govind Das, who are interested in cow protection will certainly receive a copy of it.

Pandit Munishwar Datt Upadhyay: May I know who are the Members of this Committee?

Shri Thirumala Rao: I am the Chairman of the Committee. The Members are: Pandit Thakur Das Bhargava, Shri Prabhu Dayal Himatsingka, Dr. S. S. Bhatnagar, Dr. V. Subramaniam and Shri N. N. Godbole. Mr. Karmarkar is the Secretary of the Committee.

Hydrogenation of Vegetable Oils

*3947. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Food and Agriculture be pleased to state when the hydrogenation of vegetable oils did start in India?

(b) What is the revenue it brings to Government directly and indirectly per annum?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) 1930.

(b) The annual revenue from Excise Duty on *Vanaspathi* during 1950-51 was Rs. 2.16 crores. It is not possible to indicate the extent of indirect revenue earned either by the Centre or by the State Governments.

Pandit Munishwar Datt Upadhyay: May I know, Sir, from what country this process of hydrogenation was borrowed and whether any metal is used in the process?

Shri Thirumala Rao: I can give a small dissertation on the history of this *vanaspathi*. It was in the year 1896.....

Mr. Speaker: I do not think we need go into it.

Shri A. C. Guha: The hon. Minister gave the revenue derived from *vanaspathi*. May I know the break up of it under different heads e.g. excise, income tax etc.?

Shri Thirumala Rao: The figure I gave related only to excise. I have not got the figure in regard to other heads.

Shri A. C. Guha: May we know the total capital invested in this industry?

Shri Thirumala Rao: I think it is more than Rs. 25 crores.

Pandit Munishwar Datt Upadhyay: What is the cost of oil and what is the cost of hydrogenation per pound?

Shri Thirumala Rao: The House knows that the groundnut oil market is so fluctuating and fickle, that the cost of oil varies from time to time, with the result that it is not possible to say what it is at a particular time.

Pandit Munishwar Datt Upadhyay: Will the hon. Minister be in a position to give the cost during 1950 or '51?

Shri Thirumala Rao: I want notice of that question.

Shri Kamath: In regard to the answer given by the hon. Minister that hydrogenation started in 1950, with how much capital did it start and who started it?

Mr. Speaker: We need not go into that.

VEGETABLE OILS

*3948. **Pandit Munishwar Datt Upadhyay:** Will the Minister of Food and Agriculture be pleased to state what is the acreage of land under cultivation for the production of raw materials required for vegetable oils?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): The hon. Member is presumably referring to the oilseeds which are utilized in the manufacture of *vanaspathi* in India—seeing that this question follows the previous one about hydrogenation of vegetable oils. These oilseeds are groundnut, sesamum, coconut and cotton seed. The areas under these crops in India during 1949-50 were as under:

Crop	(Million acres)
	Area under the crop during 1949-50
(1) Groundnut	9.7
(2) Sesamum	4.6
(3) Coconut	1.5
(4) Cottonseed	11.8

Pandit Munishwar Datt Upadhyay: What percentage of the acreage under oil seed cultivation is kept for the purpose of the hydrogenation industry?

Shri Thirumala Rao: I cannot give the breakup of the acreage, but I can give how many thousands of tons of oil are used for the production of *vanaspathi* in 1949 and 1950. 195,000 tons of raw oil were consumed by the *vanaspathi* factories in 1949 and 191,700 tons in 1950.

Pandit Munishwar Datt Upadhyay: Could the hon. Minister tell me the State-wise acreage under cultivation of the raw material?

Shri Thirumala Rao: I want notice of that question.

Shri A. C. Guha: May I know what percentage of these four oilseeds contribute to the manufacture of vegetable oil?

Shri Thirumala Rao: I cannot give the exact figures, but the bulk of it is groundnut oil.

Shri A. C. Guha: How much by cotton seeds?

Shri Thirumala Rao: I have not got the figure. I want notice. But it is a small quantity, not much.

Shri Jnani Ram: Which are the States where there is extensive cultivation of groundnuts?

Shri Thirumala Rao: Madras, and Hyderabad also.

MOVEMENT OF FOOD GRAINS

*3949. **Shri B. R. Bhagat:** (a) Will the Minister of Railways be pleased to state the total amount of foodgrains moved by Railways from ports or surplus states to the needy areas during the first three months of the year 1951?

(b) How many wagons per day are required for it?

(c) Has a new machinery been set up for the transport of foodgrains?

The Minister of State for Transport and Railways (Shri Santhanam): (a) During the first three months of 1951, the total amount of foodgrains and pulses moved from ports or surplus area States to the deficit areas was approximately 21 lakh tons.

(b) The average number of wagons loaded per day was 1409 (842 broad gauge and 567 metre gauge).

(c) No, as none is considered necessary for arranging the transport by rail of foodgrains which is a part of the operation of railways.

Shri B. R. Bhagat: What is the usual time taken in the movement of foodgrains from the ports to the deficit areas?

Shri Santhanam: Foodgrain is given the topmost priority. That is, every-day as grains are available they are moved as fast as possible.

Shri B. R. Bhagat: May I know whether a separate pool of wagons has been reserved for movement of

foodgrains or the allocation is made on an *ad hoc* basis whenever the need arises?

Shri Santhanam: All available wagons are placed at the disposal of the movement of foodgrains first and whatever is remaining is placed at the disposal of the movement of other goods.

Shri B. R. Bhagat: May I know the method of allocation, whether a regional authority is set up for this purpose or whether it is done on a Central basis?

Shri Santhanam: The movement is regulated by each Railway and the wagons are distributed according to the places where they are required. The allocation is done almost daily by the Movement Officers of the Railways concerned.

Shri Rathnaswamy: Is it a fact that the Minister of State in a speech during his recent visit to Madras was of the opinion that the movement of coal is even more urgent than the movement of foodgrains?

Shri Santhanam: In certain circumstances—if railways cannot move without coal and as the grain has to be moved by railways—in circumstances it is quite possible.

COLLISION OF TRUCK WITH ENGINE

*3950. **Shri S. C. Samanta:** (a) Will the Minister of Railways be pleased to state whether it is a fact that on the 5th April, 1951, a truck collided with the engine of a train while the former was passing a cross-road lying between Road Chandrakona and Salboni Railway Stations on B. N. Railway?

(b) If so, how many persons died and were injured by the collision?

(c) Has any enquiry been made and if so, what are the findings?

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

(b) Four persons died: two on the spot and two after admission into the hospital.

(c) An investigation was made by an Assistant Officers' Joint Enquiry Committee whose finding is that the accident was caused by rash driving on the part of the motor truck driver.

Shri S. C. Samanta: May I know whether the train that was passing was whistling on?

Shri Santhanam: It must have started whistling. I do not know whether it actually whistled at the particular spot.

Shri S. C. Samanta: May I know whether there was any gate at the cross-road?

Shri Santhanam: It was an un-manned level-crossing.

Shri S. C. Samanta: May I know what compensation has been made to the persons who died?

Shri Santhanam: Compensation is legally payable only when it is due to the negligence of the railway authorities.

RAILWAY ENGINES AND COACHES

*3951. **Shri Jnani Ram:** Will the Minister of Railways be pleased to state:

(a) the number of engines and coaches which have been ordered from Germany;

(b) the value thereof; and

(c) the period when the indent is expected to arrive?

The Minister of State for Transport and Railways (Shri Santhanam): (a) and (b). The hon. Member is requested to refer to the two statements I and II placed on the Table of the House in connection with the reply given to Starred Question No. 728 put by Shri Sidhva on 7th December, 1950. The order for two 2'-0" gauge locos included in statement II, has since been cancelled.

(c) The locos and coaches on order in Germany are expected to be delivered ex-works as under:

(1) Locomotives.—Delivery will commence in September, 1951 and will be completed in September, 1952.

(2) Coaches.—Delivery will commence in October, 1951 and will be completed in March, 1952.

Shri Jnani Ram: Are these coaches air-conditioned?

Shri Santhanam: No, they are ordinary coaches.

Mr. Speaker: Next question.

Dr. M. V. Gangadhara Siva: May I know whether expert technicians and engineers were consulted before these orders were placed? If so, who are they? If not, why not?

Mr. Speaker: Order, order. I am afraid it is too late to put that question now. We will go to the next question.

MUZAFFARPUR AERODROME

*3952. **Shri Syamnandan Sahaya:** (a) Will the Minister of Communications be pleased to state what progress has been made in providing certain essential aeronautical communications, air traffic control and navigational facility to the Muzaffarpur aerodrome?

(b) When are the facilities likely to be completed?

The Minister of Communications (Shri Kidwai): (a) An installation party is busy at the aerodrome putting up the shelters necessary for providing the essential aeronautical communication, air traffic control and navigational facilities. The equipment is already at the site.

(b) By the end of this month.

Shri Syamnandan Sahaya: Is it proposed to lay a cement track for the landing of aeroplanes at this Muzaffarpur aerodrome?

Shri Kidwai: Not just at present.

ENQUIRY INTO FERTILIZERS TRANSACTION

*3953. **Shri Sidhva:** (a) Will the Minister of Food and Agriculture be pleased to refer to the half-an-hour discussion on the subject of purchase of fertilizers and state whether any decision on the subject has been taken by the Cabinet?

(b) When is the decision likely to be reached?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) Not yet. The matter is still under consideration.

(b) As soon as possible.

Shri Sidhva: May I know whether the report, as was stated by the hon. the Food Minister, has been submitted to the Cabinet?

Shri Thirumala Rao: I cannot say at what stage the matter is.

Mr. Speaker: He wants to know whether it has been submitted to the Cabinet.

Shri Thirumala Rao: I want notice for that.

Shri Sidhva: May I know whether Mr. Swamy who has been dismissed has made a representation to the President stating that if a public enquiry is held or if he is prosecuted he is prepared to disclose all matters and the persons involved and, if so, whether Government have considered this representation?

Shri Thirumala Rao: I cannot answer all these questions piecemeal. The whole matter is under consideration and the Government is considering it.

Mr. Speaker: The point is whether a representation from Mr. Swamy has been received.

Shri Thirumala Rao: I have not seen any such representation in our Ministry yet.

Shri Sidhva: During the discussion of this question the hon. the Food Minister stated that he was likely to send his report to the Cabinet. To the subsequent question also he said like that. I want to know whether that report from his Ministry has gone to the Cabinet and whether the delay is with the Cabinet or whether the report has not gone.

Shri Thirumala Rao: Sir, am I expected to disclose at what stage each paper is in progress?

Mr. Speaker: It does not come to that. The Minister, it appears, twice promised or said that he is going to submit his report.

Shri Thirumala Rao: I can assure the House that the hon. Minister will carry out his promise.

Mr. Speaker: The hon. Minister will see that the matter is a very serious and important one and therefore the Members are entitled to know as to how the Government are acting in regard to this.

Shri Thirumala Rao: What I want to make clear is that there is no question of burking the issue. The hon. Minister is going to implement his promise made on the floor of the House and it is in the process of being implemented.

Shri Sidhva: When will that be?

Mr. Speaker: The better course is to put the questions to the hon. Food Minister himself.

SUGAR PRODUCTION (TARGET)

*3954. **Shri Deogirikar:** (a) Will the Minister of Food and Agriculture be pleased to state whether the target of 107 per cent. output of sugar production for enabling a sugar factory to have open market sales has been increased?

(b) If so, what are the reasons therefor?

(c) How many factories have succeeded in reaching that target and what is the total quantity available for such sale now?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) to (c). Reference is invited to the statement on release of sugar for free sale placed on the Table of the House on 27th April, 1951, which gives the required information.

Shri Deogirikar: May I know which factory has made the maximum production and what is the percentage of that surplus production?

Shri Thirumala Rao: I have given a list of the factories in the statement to which I referred. The hon. Member can get the information from that. If he wants me to give the information, I want notice.

Shri Deogirikar: May I know whether the surplus is distributed State-wise?

Shri Thirumala Rao: There is no question of distribution for surplus production. There is a free market.

Shri Deogirikar: May I know whether any price has been fixed for the sale of this surplus production?

Shri Thirumala Rao: No.

Dr. V. Subramaniam: May I know whether the sugar ration has been cut down in Delhi City?

Shri Thirumala Rao: It was said that it was cut down but it was actually restored.

Dr. V. Subramaniam: May I know whether the ration shops distributed less sugar last week?

Shri Thirumala Rao: I do not think so. Before the scheme came into effect, it was withdrawn.

Shri Sondhi: How was it that initially only 8 per cent. was reserved for the common pool and now the amount has been increased to 15 per cent.?

Shri Thirumala Rao: I want notice for that.

APPOINTMENTS OF PLEADERS BY RAILWAYS

*3955. **Shri Deogirikar:** (a) Will the Minister of Railways be pleased to state whether the Railway administration has made appointments of pleaders for conducting civil and criminal cases of the Railways?

(b) If so, what is the total number of such pleaders and what are the terms of their fees?

(c) Are these appointments permanent or are they subject to periodic scrutiny?

(d) Who is the authority for making these appointments?

The Minister of State for Transport and Railways (Shri Santhanam): (a) to (d). The information is being collected from the Railway administrations and will be laid on the Table of the House in due course.

Shri Deogirikar: May I know if cases occurring outside the railway compounds are filed and conducted by the State Governments through their own pleaders?

Shri Santhanam: All the cases have to be conducted by the local Governments but there are Railway Magistrates placed at the disposal of the administration by the State Governments, who conduct some of these cases; otherwise, they are conducted in ordinary Courts.

Shri Deogirikar: May I know whether there are Railway pleaders?

Shri Santhanam: In some Railways they have got pleaders.

Shri Deogirikar: May I know whether there is a duplicate anti-corruption agency for conducting cases in the Railway area itself?

Shri Santhanam: There is the general anti-corruption Police and the Railway Police are expected to conduct these cases also.

Shri Deogirikar: May I know whether as an economy measure these duplicate appointments are likely to be amalgamated?

Shri Santhanam: There is no duplication. In fact we find that the existing machinery is not enough to cope with the thefts.

Mr. Speaker: Next question.

TOBACCO CULTIVATION IN BOMBAY

*3956. **Shri Kumbhar:** Will the Minister of Food and Agriculture be pleased to state:

(a) the total acreage of land under the cultivation of tobacco in Bombay State in the years 1948, 1949, 1950 and 1951;

(b) the total production in maunds of the tobacco in the same years as above; and

(c) for what purposes the bulk of it is used?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) and (b). The acreage and production of tobacco in Bombay State

during the years 1947-48 to 1949-50 was as follows:—

Year	Acreage (Thousand acres)	Production (Thousand maunds)
1947-48	195	980
1948-49	202	1,524
1949-50	202	1,524

Figures for 1950-51 are not yet available.

(c) Out of the production of about 15.24 lakh maunds of tobacco in Bombay, 20 per cent. i.e. about 3.05 lakh maunds, has to be deducted on account of drriage, damage and wastage. The balance of about 12.19 lakh maunds is available for the manufacture of cigarettes, cigars, cheroots, *bidis*, *hookah* and chewing tobacco and snuff, of which *bidis* form the most important item.

Shri Kumbhar: Was any direction given by the Central Government to the Bombay Government to restrict the acreage under the tobacco cultivation and with what effect?

Shri Thirumala Rao: No such directive has been sent to any State Government.

Shri Kumbhar: In view of the importance of the tobacco crop in its economic yield to the peasants as well as its utility as a rotation crop for food-grains such as *jowar*, *Bajra*, etc. have Government any plan for regulating the cultivation of tobacco in the Bombay State and also elsewhere?

Shri Thirumala Rao: As the total acreage under cultivation of tobacco remains with a slight variation to be stationary, Government do not propose to interfere with regard to this crop at present.

Shri Kesava Rao: May I know what is the average produce of tobacco per acre?

Mr. Speaker: He refers to the Bombay State?

Shri Kesava Rao: Yes; I mean Bombay State.

Shri Thirumala Rao: I have given the total acreage and the total production in maunds and if one is divided by the other, the hon. Member will get the information.

SEISMOGRAPHICAL STATIONS

*3957. **Shri J. N. Hazarika:** Will the Minister of Communications be pleased to state:

(a) the number of earth-quake shocks in Assam and elsewhere since the 15th August of 1950 recorded by the Seismographical Stations in the Union; and

(b) whether the work of the long-projected central seismological observatory at Shillong is completed and the Seismographs at Tocklai (Jorhat) and Tezpur, Assam, are to continue?

The Minister of Communications (Shri Kidwai): (a) 324 up to 31st March, 1951.

(b) A site has been selected for the establishment of a seismological observatory at Shillong and its acquisition is being negotiated with the Government of Assam to whom it belongs. The construction of buildings for the observatory will be taken up during the current financial year. The temporary seismological stations at Tocklai (Jorhat), Tezpur and Shillong will continue until the end of the current financial year and the question of their further continuance will be considered later.

Shri J. N. Hazarika: May I know how many seismographs had failed or broken down as a result of intense tremors of earthquake since the 15th August?

Shri Kidwai: I have not got that information here.

सेठ गोविन्द दास : इन तीन सौ भूकम्प के धक्कों में कितने ऐसे धक्के थे जिन से कोई हानि नहीं हुई और कितने ऐसे थे जिन से नुकसान हुआ ?

[Seth Govind Das: How many out of these 300 earthquake shocks were such as did not cause any damage and how many caused damage?]

श्री किववाई : मेरे पास इस वक्त कोई इतला नहीं है।

[Shri Kidwai: I have no such information at present.]

DIRECTOR OF MARKETING AND INSPECTION

*3958. **Shri Karunakara Menon:** (a) Will the Minister of Food and Agriculture be pleased to state how long the Directorate of Marketing and Inspection has been continuing on a temporary basis?

(b) Have any Committees investigated into the necessity of making it permanent and if so, how many?

(c) What are their recommendations?

(d) Have Government taken any decision on the matter and if so, when?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) The Directorate of Marketing and Inspection has been continuing on a temporary basis since its inception in 1935.

(b) Yes, four Committees and one Conference have investigated the question. They are:

(i) Conference of (Provincial) Ministers on Agricultural Marketing held at New Delhi in November, 1938.

(ii) Policy Committee on Agriculture, Forestry and Fisheries and its meeting held in Simla in 1944.

(iii) Marketing Sub-Committee of the Policy Committee (No. V) on Agriculture, Forestry and Fisheries of the Reconstruction Committee of Council in 1946.

(iv) The Economy Committee set up by the Government of India, in 1948.

(v) The Standing Committee of the Legislature for the late Ministry of Agriculture at their meeting held on the 3rd and 5th May, 1949.

(c) A summary of the recommendations of these Committees and the Conference on the matter is placed on the Table of the House [See Appendix XXIV, annexure No. 31.]

(d) No.

Shri Karunakara Menon: May I know what stood in the way of the Government making it permanent notwithstanding the more or less unanimous recommendations of the several Committees mentioned by the hon. Minister?

Shri Thirumala Rao: Yes, Sir. The Government now are considering the whole matter and they will come to a conclusion with regard to making it permanent very soon.

Shri Karunakara Menon: When is it likely to result in actual execution?

Shri Thirumala Rao: I can assure my hon. friend that it will be done in the next 2 or 3 months.

Shri Karunakara Menon: May I know whether the Government is aware of

the disadvantages that the staff undergo in the matter of counting of periods and the average emoluments for the purpose of pension etc. by keeping the Directorate of Marketing and Inspection on a non-permanent basis?

Shri Thirumala Rao: The Government know the difference between permanent and non-permanent basis of a Department.

Mr. Speaker: Next question.

OFFER OF WHEAT BY CANADA

*3959. **Shri Kamath:** Will the Minister of Food and Agriculture be pleased to state:

(a) the quantity, quality and the terms and conditions, if any, of the offer of wheat made by Canada recently; and

(b) whether the offer has been accepted or rejected?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) Government of Canada offered to supply some wheat to India as part of their contribution to the Colombo Plan. No mention of the quantity and quality of the wheat was made in the offer and the terms and conditions were to be negotiated. The sale proceeds of wheat were to be spent in India for capital development schemes.

(b) Government of India have agreed in principle to accept the offer but as the quality of wheat immediately available for export from Canada is of low grades, Government of India have decided to wait until the next Canadian crop.

Shri Kamath: When was the offer first made, Sir, by the Canadian Government?

Shri Thirumala Rao: I do not carry all the details but this is the third time I answer the question during the last ten days and I want notice if the hon. Member wants the exact date. In pursuance of the contribution which Canada has agreed to make towards the Colombo plan, they have offered wheat and we have agreed to take that contribution in the shape of wheat.

Shri Kamath: When will that arrive?

Shri Thirumala Rao: I told two days ago that we have elected wheat from the September crop.

WRITTEN ANSWERS TO QUESTIONS

Jagirdari SYSTEM IN RAJASTHAN

*3934. **Shri R. C. Upadhyay:** Will the Minister of States be pleased to state:

(a) the steps which Government have so far taken to abolish the Jagirdari system in Rajasthan; and

(b) by what time Government will be able to enact the necessary law there?

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

(a) and (b). The attention of the hon. Member is invited to pages 2-3 of the Report of the Ministry of States for the year 1950-51.

INDIAN COUNCIL OF AGRICULTURAL RESEARCH

*3936. **Shri Dwivedi:** Will the Minister of Food and Agriculture be pleased to state:

(a) the number of researches undertaken by the Indian Council of Agricultural Research;

(b) the method of popularising them among the agricultural classes; and

(c) whether any report of the working of the Council has been published?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) About 750 Agricultural and Animal Husbandry research schemes have so far been sanctioned by the Council.

(b) On the termination of schemes, abstracts of results achieved thereunder are published in non-technical language in the Council's popular monthly journals 'Indian Farming' (English) and 'Kheti' (Hindi) and press notes thereon are also issued for the information of the general public. The State Governments are also requested to take suitable steps to ensure their practical application by the cultivators.

(c) An annual report containing a brief review of the activities of the Council is published every year, and copies thereof are available in the Library of Parliament.

EXPERTS UNDER F. A. O.

*3960. **Shri Kesava Rao:** (a) Will the Minister of Food and Agriculture be pleased to state whether Government have secured the services of any expert under the Food and Agricultural Organisation of the U.N. Programme?

(b) What expenditure have India to incur in case of these experts?

(c) In what special fields are these experts functioning at present?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):
(a) No.

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

LOCUST WARNING ORGANISATION

*3961. **Shri Sidhva:** (a) Will the Minister of Food and Agriculture be pleased to refer to the answer given to my Unstarred Question No. 239 on the 24th April, 1951 regarding Locust warning organisation and state what was the net benefit derived during 1950-51 from the Anti-Locust Organisation?

(b) In how many instances locusts made their appearance and in how many instances they were destroyed?

(c) At what stage were they checked to avoid further loss to crops?

(d) What was the loss caused to the crops by their appearance?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):
(a) It is not possible to estimate precisely the net benefit derived from this organisation in terms of food grains saved from locusts.

(b) and (c). India was invaded by swarms coming across her western borders in two seasonal waves during 1950. About three dozen swarms came between the middle of May and middle of July and another two dozen swarms during September-October, 1950. These swarms laid eggs in various parts of India. The pest was destroyed mostly in the hopper stage (wingless young locust), as it is most difficult to destroy flying locusts.

(d) Reliable statistics of damage caused to crops by locusts are not available.

RESETTLEMENT OF DEMOBILISED SOLDIERS

*3962. **Shri S. V. Naik:** (a) Will the Minister of States be pleased to state whether the attention of Government has been drawn to a statement by Shri B.S. Mahadev Singh, Chairman of the Socialist Party in Hyderabad?

(b) Is it a fact that demobilised soldiers from different States like Coorg and Mysore are being resettled in Hyderabad, whereas majority of such demobilised soldiers belonging to Hyderabad State itself are not yet settled?

(c) Were any representations made to the Minister of States regarding giving preference to Hyderabad State

people in matters of recruitment to State services and resettlement and if so, with what result?

The Minister of States, Transport and Railways (Shri Gopalaswami):
(a) I do not know to which statement the hon. Member refers. Shri Mahadev Singh has made a number of statements from time to time.

(b) No. Demobilised soldiers from Coorg and Mysore are not resettled in Hyderabad. Some of them may have been employed in some vacancies in the Armed Police. The Hyderabad Government have drawn up a scheme for resettlement of demobilised soldiers of the Hyderabad State Forces with the assistance of the Government of India. This is being examined by us.

(c) Representations are received from time to time and these are being passed on to the State Government for their consideration.

SUPPLY AND MOVEMENT OFFICER

*3963. **Shri Kannanwar:** (a) Will the Minister of Food and Agriculture be pleased to state whether it is a fact that a Supply and Movement Officer has been appointed by the Government of India to ensure that adequate quantities of essential supplies like cement, iron and steel and coal are available for agricultural purposes?

(b) If so, what emergency powers have been allotted to him?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) A Supply and Movement Officer was appointed from 28th April, 1949 but the post was abolished, as a measure of economy, from 1st March, 1951. Since then, the work is being carried on by a Deputy Supply and Movement Officer.

(b) No emergency powers were vested in the Supply and Movement Officer.

PURCHASE OF LANDING MATS

*3964. **Shri Sanjivayya:** Will the Minister of Communications be pleased to state:

(a) whether Government have decided to purchase landing mats; and

(b) if so, from which country and at what cost?

The Minister of Communications (Shri Kidwai): (a) and (b). Not yet; the matter is under consideration.

ments during the two years in question is laid on the Table of the House. [See Appendix XXIV, annexure No. 32.]

(e) Attention of the hon. Member is invited to a note on the subject, circulated to all Members of the House during the Budget debate.

AIR TRAFFIC AND NIGHT LANDING FACILITIES

284. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Communications be pleased to state what was the air traffic by internal airlines in respect of passengers, mails, and goods in the years 1948, 1949 and 1950?

(b) How many additional aerodromes have been taken over by the Government of India from the States?

(c) Has there been any improvement in the night landing facilities and if so, on what lines and in how many aerodromes?

The Minister of Communications (Shri Kidwai): (a) The number of passengers carried by internal airlines on air services within India and between India, Burma, Ceylon, Nepal and Pakistan in the years 1948, 1949 and 1950 was 404, 409, 400, 312 and 506,000 respectively. The corresponding figures for mails were 1,501,475 lbs., 4,809,178 lbs., and 8,037,159 lbs., and those for goods 21,307,829 lbs., 39,488,598 lbs. and 206,000,000 lbs.

(b) Twenty aerodromes were taken over from the States by the Civil Aviation Department under the Federal Financial Integration Scheme; two of these were transferred later to the Indian Air Force.

(c) Considerable improvement has been made in the night landing facilities during the last three years. As against 20 paraffin flares, 12 aerodrome beacons and 3 electric flare paths available in the year 1948, 41 paraffin flares, 20 aerodrome beacons and 18 electric flare paths were available at the end of the year 1950. Thus twenty-one additional aerodromes were provided with paraffin flares, 8 aerodromes with beacons and 15 aerodromes with electric flare paths during this

period. Improvement was also made in the communication facilities available at the various aerodromes. Whereas there were 36 communication stations with a total of 194 radio facilities at the end of 1947, the number increased to 51 stations with a total of 380 facilities at the end of 1950.

RESEARCH STATIONS FOR GROUNDNUT SEEDS

285. **Shri P. Basi Reddi:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government are aware that no groundnut seed evolved at Research stations situate outside the Rayalaseema area (Madras) is suitable for use in that area;

(b) whether Government have received any representation urging the establishment of a groundnut Research Station in that area; and

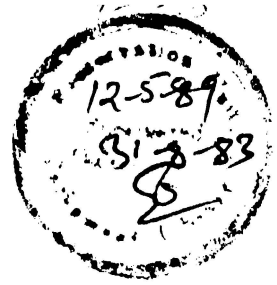
(c) whether there is any proposal before Government to establish one there in the near future?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) Three groundnut strains of the State Agricultural Research Station Tindivanam which is the main oilseeds Breeding Station in Madras have been found suitable for Rayalaseema area.

(b) On the basis of the recommendations contained in the Report of the Special Officer appointed by the Indian Central Oilseeds Committee to review the agricultural research work done so far on oilseeds in India, the Committee recommended to the Government of Madras early in 1949 that there was need for starting a regional research station for the Rayalaseema tract at Kurnool. They were again invited in November, 1949 to send proposals for setting up such regional stations and the reply received was to the effect that in view of the imperative need for strict economy in State expenditure at the present juncture, and as the schemes were not immediately essential, the Government had deferred considering the matter for the present.

(c) No.

Tuesday, 8th May, 1951



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

Third Session

of the

PARLIAMENT OF INDIA

1950-51

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

8272

8273

PARLIAMENT OF INDIA

Tuesday, 8th May, 1951

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

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

QUESTIONS AND ANSWERS

(See Part I)

9-30 A.M.

GO-SAMVARDHAN BILL

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): I beg to move for leave to introduce a Bill to promote "Go-samvardhana" and for matters connected therewith.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to promote "Go-samvardhana" and for matters connected therewith."

The motion was adopted.

Shri Thirumala Rao: I introduce the Bill.

CONTEMPT OF COURTS BILL

The Minister of Home Affairs (Shri Rajagopalachari): I beg to move for leave to introduce a Bill to define and limit the powers of certain courts in punishing contempts of courts.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to define and limit the powers of certain courts in punishing contempts of courts."

The motion was adopted.

Shri Rajagopalachari: I introduce the Bill.

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BUSINESS OF THE HOUSE

Mr. Speaker: Before we proceed to the next business, I have to make an announcement to the House and that is that the Representation of the People (No. 2) Bill will be put down as the first item in the agenda for tomorrow, the 9th. I believe this will be sufficient notice.

TARIFF COMMISSION BILL

Mr. Speaker: The House will now proceed with the further consideration of the motion to refer the Tariff Commission Bill to a Select Committee.

Shri Goenka (Madras): Yesterday I was discussing clause 11(2) of the Bill. In regard to sub-clause (2) of clause 11, I pointed out yesterday that it is a maxim of law that no tax can be imposed except in accordance with law. Sub-clause (2) invests the Government with powers to levy a tax and abolish a tax. In certain circumstances, as a matter of expediency, it may be necessary to clothe the Government with power to impose a duty on certain articles. I beg to submit that they have enough power in this respect under the recent amendment of the Tariff Act. In section 4A we have given them sufficient powers to levy a duty on any commodity if the Tariff Board recommends it and the Government have got to bring a Bill before the House within a week of their levying the tax. In this sub-clause (2) of clause 11, they not only want the power to levy a tax, but they want the power even to abolish a tax. The sub-clause reads as follows:

"Where in the opinion of the Central Government, it is expedient in the public interest that immediate action is required, it may take action to impose, vary or abolish any protective duty....."

[Shri Goenka]

I do not understand how this abolition of a protective duty comes into this Bill at all. After all, if an industry is to be given protection, protection could be given by the imposition of a tax, but not by the abolition of a tax. So far as clause 11(2) is concerned, it is a very wide power which is demanded by the Government. I am not here discussing the question of the delegation of authority to the Government; but I do say that the present enactment which we have passed in the course of this year is enough to meet the situation and that clause 11(2) is unnecessary and uncalled for. Besides, I do not think that this Parliament will be prepared to give these powers to the Government without check by Parliament at a later stage. This clause 11(2) seeks to give wide powers not only for the imposition of a protective duty, but also, the abolition thereof, and there is no restriction or limitation upon these powers vested with the Government. If this clause is passed, the matter will never come before the House and will not be subject to the ratification of this House. I feel that this power should not be given. Besides, I feel that, in the light of the previous experience which we have had, the Government is incompetent to hold these powers.

I was referring yesterday to the statement made by Dr. Syama Prasad Mookerjee in regard to the automobile industry. He made a statement that 50 per cent. of the parts produced in this country will be interchangeable in all the automobiles. That was one of the statements which he made and I quoted that statement *in extenso*. Let me quote another statement of his in which he says:

"I got a report this morning that already the process of production of a number of these parts has started and that in the course of the next two months (I underline the words, in the course of the next two months) it should be possible for the parts and components which have been mentioned in Group B to be started to be manufactured."

This is another statement that those parts on which protective duty was levied, were to be manufactured in the course of two months. The Expert Committee which was appointed by the Government have come to the conclusion that most of these parts cannot be manufactured. In their report they go to the extent of saying that while the Hindustan Motors Ltd. have up-to-date equipment

for machining and processing, the forgings wherever required are imported. How are these parts to be manufactured? They can do the machining; they cannot do the forging. Again, they have come to the conclusion, which any man of common sense will come to, that most of the components which are intended to be manufactured in the next two years will be manufactured for only certain makes of automobiles. Then, they go on to say:

"In view of the existing diversity in automotive designs, it is not practicable to standardise the designs of the various components."

From this report it is clear that the statements which were made before the House for the purpose of getting the sanction of the House for the imposition of a heavy duty against the importation of motor car parts in this country were not quite accurate and that Government did not apply their mind. Obviously, they made the statements in the House on hearsay evidence. Therefore, I say that before such a power is exercised by the Government, they must take the Tariff Commission into consultation. If they do not take the Tariff Commission into consultation, if they do not apply their mind, but take action on the basis of hearsay evidence, I am afraid we must not invest them with any such power at all. I propose, therefore, that clause 11(2) be deleted.

Recently, they have fixed the price of soda ash and caustic soda. They have fixed the price so high as to give a 30 per cent. profit to the importers. Either they do not know what the cost of importation is, or they do not know the market price or that was a case of patronage. I do not know what it was. Taking all these things into account, I came to the inevitable conclusion that these powers under clause 11(2) should not be vested in the Government. Again, as I said, these powers are already vested with the Government and no such power is necessary.

Then, I come to clause 11(1)(a). Here, mention is made of primary industries and secondary industries. I do not know what the Government really mean by primary and secondary industries. In the definition clause, no definition is given of a primary or a secondary industry. Interpretations have been given in this House that a secondary industry means cottage industries. I am not here to discuss the question of cottage industries *versus* organised industries. I would like

the Government to clarify what it means by primary and secondary industries. In this connection, since the question of cottage industries has been raised, certain questions arise. There is bound to be a conflict at a certain given time between organised industries and cottage industries. For instance, suppose it is a case of artificial silk yarn or it is that of cotton yarn or silk yarn, the cottage industry would like it to be imported while the textile industry which produces their own raw materials, namely their own yarn, they would like it not to be imported. And so there is bound to be conflict between the interests of the cottage industry and the interests of the organised industry. Such questions involving this conflict are bound to arise. For instance in Japan plastic articles are all manufactured in cottages on the basis of cottage industry, while the plastic powder cannot be manufactured on a cottage industry basis. And so, as I said, such problems and conflicts are bound to arise from time to time and I would, therefore, ask the Government to clarify what they mean by the words primary industries and secondary industries. It is very necessary that there should be a dividing line between the interests of the cottage industries and those of organised industries.

Under clause 11(1)(a) you have got the methods of granting protection: whether protection is to be given by the grant of subsidy or by the levy of protective duty or otherwise. These words "or otherwise" actually occurring in the Bill have been interpreted by some as meaning quantitative restrictions. But the position is not clear to me and I would like the Government to clarify their attitude to this question of quantitative restriction and what exactly is being meant by the words "or otherwise". After all there are only four types of protection that can be given. One is the raising of tariff duties. Another is by the giving of subsidies. A third is by raising the duty, plus the giving of subsidies. And the fourth is by imposing quantitative restrictions. Well, so far as the first three categories are concerned, there can be no two opinions that you have got to give them if you want to protect the industry. You may have to give industries subsidies and also raise the protective duties or you may have to give only subsidy or you may have only to raise the protective duties. But so far as quantitative restrictions are concerned, that is a very serious problem and I would like Government to make it clear whether the words "or otherwise" really mean quantitative restrictions. I am opposed to quantitative restrictions. The imposition of quantitative restrictions de-

pends on the policy of the Government and should only be resorted to in relation to the import and export policy and in relation to the balance of payment position and in relation to various other matters which affect our general finances. So far as quantitative restrictions in relation to the protection of certain industries are concerned, I feel that such restrictions should never be resorted to. If you import less than what you require, immediately the prices go up. If the marginal deficiency is more than even five per cent, sometimes the rise is double the original price. In this country where the data figures are not very accurate, we cannot really know precisely how much should be imported and how much should not be imported. If we err on the right side, assuming that we import some five per cent less than our requirements, then the prices go up, sometimes, as I said by double their original level. This is indeed a very dangerous proposition. If you have quantitative restrictions, that will not induce the manufacturers to produce the right quality of goods. Then the position will be more or less, one of cartels and even in a country like the United States of America, we know there are things like the Anti-Trust Act and the Sherman Act and other such Acts, laying it down that cartels should not be allowed to develop as the consumers' interests are bound to suffer and the consumers' interests are supposed to be the most important. As has been laid down in the report of the Fiscal Commission, the consumers' interests should be safeguarded and if we at all care for their interests, we have inevitably to come to this conclusion that under no circumstances should we resort to quantitative restrictions in our country. As I have said these restrictions should only be resorted to for the purposes of balancing our foreign exchange position and our general economy and in no other circumstances should we resort to these quantitative restrictions. After all if an industry cannot maintain itself either by subsidy, or by the imposition of heavy tariff duties, then I do not think that that industry deserves to be helped. After all, if an industry cannot compete with a foreign industry, we give it protection by means of raised tariffs. If it cannot still compete, we give it subsidies. But certainly we do not want to give it a monopoly, and the imposing of quantitative restrictions is nothing short of giving a monopoly to that particular industry. Once you give such a monopoly the industry will not care about the quality of the goods produced, or about the price paid by the consumer or about anything else. So I am opposed

[Shri Goenka]

to quantitative restrictions. Even my hon. friend Shri Himatsingka who supported this proposal has admitted that if you import less the prices go up and if you import more, the prices go down and the industry suffers. So a dividing line is very necessary; but there is no method by which to decide precisely how much should be imported. After all, in this country, the demand is based on various circumstances which keep on changing from time to time. There is no basic factor by which you can determine the demand. Therefore, I oppose quantitative restrictions.

It is more or less conceded that Government, in whatever steps they take in the field of industry, keep the interests of the consumers in a place of secondary importance. In all the committees and things like that, we have noticed that the interests represented are capital on the one side and labour on the other. And if these two come to an agreement, then that is the conclusion accepted by the Government, because they always take the line of least resistance. They feel that if they are able to satisfy this vocal sector of the community, then all that is necessary has been done, and they need not worry about any other interest. It is here that I would like to bring to the notice of the Government that in all these matters they have got to take into account the interests of the consumers. I do not want to say anything more on this point but shall leave it there, as we all know that this sort of thing is being done off and on.

With great respect to the industrialists I would like to submit that one of the main reasons why industries do not prosper in our country is because they do not specialise in their respective fields as they do in other countries. This has not been referred to by the Fiscal Commission because this aspect of the subject was not referred to them. But unfortunately, in our country we have firms which one fine morning become experts in textiles, the next morning they become experts in jute industry, and then in the coal industry and on the fourth morning they become experts in the steel industry and then in banking, in insurance, in shipping, in plastics and so on and so forth. There is nothing in which they do not claim not to be experts. This is the real trouble in our country which does not allow our industries to prosper as they should. When you go to a foreign country, there you find one big firm interested in cotton textiles, another in jute textiles, a third big firm is interested in some other industry and so on. There

are few firms in the whole world which are experts in all or many of these lines. But unfortunately in India our businessmen have no limitations. They simply take any business which will give them some profit. (Shri Kamath: All of them?) Most of them. In the case of the Bombay and Ahmedabad industrialists they have specialised in the cotton industry and that is why they are prospering today. In spite of all the competition in the world that industry is bound to prosper, because they have specialised in that industry. But there are others who take to all and every industry and they treat it as a source of money changing. I call such businessmen money-changers not industrialists. They do not specialise in the industry but just want to make money. When they do not make money they come to the Government and ask them to give protection. If they are not satisfied with the protection given, they ask for subsidy and if even that is not sufficient they ask for a monopoly or quantitative restriction. Is that the manner in which the country's interest can be safeguarded or the consumers' interest safeguarded?

Shri Sidhva (Madhya Pradesh): They belong to your class.

Shri Goenka: Yours and mine both.

Shri Sidhva: Not mine.

Shri Goenka: We know it more than you do. In all these matters Government should take a view which is consistent with the interests of the consumers and the country as a whole.

Now I come to clause 12(b) which reads:

"the effect of tariff concessions under trade or commercial agreements on the development of any specified industry."

It has been interpreted by some friends to mean that we can refer matters such as preferences, imperial preference and other agreements to this Commission. So far as imperial preference is concerned the Tariff Board has already given its verdict, the Fiscal Commission has given its verdict, the House has given its verdict and the country as a whole has given its verdict. I hope that this clause will not be used as an excuse by the Government to refer the matter again to the Commission for adjudication.

The other day, when Mr. Mazumdar was there in the Commerce Ministry, we were given the assurance that this preference will be put to an end soon. I hope and trust that this clause will not be used for the purpose of delaying the matter any further.

Then I come to clause 16(1). It reads:

"Upon receipt of a report made to it by the Commission, the Central Government may take such action as it considers fit in respect of any of the matters dealt with in the report."

The Fiscal Commission report in paragraph 273 has definitely laid down that they ought to take action ordinarily in the course of two months. That should be provided for in the Bill itself; otherwise it will become a suitable ground for patronising such persons as are influential and for not giving protection to those whose industries they do not want to be protected. The Fiscal Commission rightly laid down that in case the Government are not able to accept the recommendations of the Tariff Commission, it should be fully explained in a reasoned statement. There is no provision in the Bill enjoining such a statement giving the reasons for not accepting the recommendations of the Commission. All that they say is:

"A copy of every report made to the Central Government shall be laid on the table of Parliament within a month of its submission to the Central Government, if Parliament is then in session or, if Parliament is not in session, within seven days of its reassembly."

Besides laying the report on the table of the House they must give the reasons why they are not prepared to accept the recommendations of the Commission as recommended by the Fiscal Commission. It must therefore be provided in clause 16 that they should take action within two months of the submission of the report of the Commission. Otherwise, if it is delayed the circumstances may change and the recommendation of the Tariff Commission may become out of date. The protection which the Commission considered desirable in certain circumstances may not be necessary, for such circumstances may have ceased to exist. If this happens the Government may refer again the matter to the Commission, since conditions have changed, so that the Commission may go into the matter again. Our past experience also justifies the demand that there should be a time limit for the purpose of deciding the issues. As I mentioned yesterday the reports on several industries were with the Government for several months and in the meantime the industries closed down, because the Government would not take action. Only when the matters were discussed in the House that some action was taken by the Government. Therefore the Government must ex-

plain why they did not accept the recommendation of the Commission in the first instance and secondly, there must be a time limit within which they must take the necessary action. Whether they accept the recommendations or not is another matter. After all the recommendations of the Commission are only recommendatory. Time is of the very essence of the situation and therefore there must be a time limit within which they should act. If time is lost the industry suffers and all labour would be in vain.

Now, so far as clauses 17, 18, 19 and 20 are concerned I am in entire agreement with them. Certain objections were raised by some Members with regard to the penal provision for certain acts of omission and commission. Personally I would like those provisions to remain, so that any industry which wants protection must be prepared to place all its cards before the Government. If it keeps back anything it should pay the penalty. Government want all the information to be placed before them and if any information is kept back by the industrialists, they must pay the penalty. That is all that is provided for. They are salutary provisions and are necessary.

There is one other matter about which I would like to say a few words. The Government laid down their industrial policy in 1948. In that they have laid down that certain industries should be in the public sector, certain others in the quasi-public sector—what are called controlled industries—and certain others in the private sector. Since that policy statement was made, several other statements have been made on behalf of the Government qualifying that original industrial policy of the Government.

The other day the Minister of Commerce and Industry made a statement in which he said that since we have neither the money, the men nor the materials, where does the question of nationalisation arise? I quite understand that and I am one with him. But is it not right that the Commission should be entrusted with the task of advising the Government from time to time as to which industry, under certain given circumstances, should be changed from one sector to another? I am not suggesting that what they say will be final. They will be an expert body and their functions and scope are such that they will know everything worth knowing so far as commerce and industry are concerned. You cannot have a better authority to advise the Government in regard to this aspect of the question. The Gov-

[Shri Goenka]

ernment have laid down a policy and the policy will have to be adjusted according to the exigencies of the situation. Certain adjustments will have to be made as between the industries in the different sectors, by transferring some from one to the other, and these adjustments will have to be done from time to time. When this Commission has been given such wide powers and such wide functions I see no reason why this function, viz., advising the Government from time to time as to what extent, if necessary, they should adjust their policy in accordance with the exigencies of the situation, should also not be given to the Commission.

There is one more point. Some reference was made to the Havana Charter. Very few countries have ratified it and there is nothing left in it. Let us not worry about it.

Shri Himatsingka (West Bengal): We are still sticking to it.

Shri Goenka: Yes, but after all it is a dead letter.

10 A.M.

Before I close I would make one little request to the Minister of Commerce and Industry. We have been told from time to time, "do you want an industry or do you not want an industry?" Well that is an abstract proposition and I say we cannot answer that abstract proposition. You cannot say, "do you want this, or do you not want this?" We want it under certain circumstances, we do not want it under certain other circumstances. So I have said throughout my speech that circumstances alone must justify the action which we take and in taking such action we should maintain a balance between the interest of the industry and that of the economy of the country which naturally and inevitably means the interest of the consumers. Keeping all this in view we should take a decision in the matter.

Finally, I would not be completing my duty if I did not pay my compliment to the report of the Fiscal Commission which has been so ably presented. Although their reference to the Tariff Commission was rather limited, still they have gone into all relevant matters connected therewith and have given us their suggestions. I only wish that Government will allot some time for discussion of the Fiscal Commission report in this House and that the policy of the Government with regard to the recommendations of the Fiscal Commission will be placed before this House before long.

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

"That the question be now put."

Prof. S. L. Saksena (Uttar Pradesh): But yesterday the hon. Deputy-Speaker who was in the Chair at the time, promised to give me an opportunity to speak after the last speaker.

Mr. Speaker: Whatever it may be, I find that more than fifteen Members have spoken.

Prof. S. L. Saksena: This is an important Bill.

Mr. Speaker: Therefore we have taken sufficient time. The Bill will again come before the House after it has gone through the Select Committee. It is not possible to give an opportunity to every person who desires to speak on the ground that the measure is important. The measure is important, therefore it has to be discussed, but there should be some limitation.

The question is:

"That the question be now put."

The motion was adopted.

Shri M. A. Ayyangar (Madras): Sir, before the hon. Minister begins may I make a suggestion? All hon. Members who wanted to participate in the debate will have the opportunity of sending whatever points they want to urge to the Select Committee.

Mr. Speaker: That is open, I believe; was it during the last motion for Select Committee that we said that those who wished to attend might also do so?

Shri M. A. Ayyangar: During the Representation of the People Bill, you were kind enough to give a direction that all hon. Members who wanted to take interest in the matter might also be present during the various meetings of the Select Committee.

Shri Kamath (Madhya Pradesh): May I, Sir, bring to your notice that out of twenty-three Members of the Select Committee hardly six or seven are present in the House? You have established the healthy convention that Members of the Select Committee should not speak at this Stage, but rather listen to the speeches or criticism or views offered by Members on the floor of the House so that they can take advantage of them in the discussion in Select Committee, but I am sad that out of these twenty-three

Members not even half the number are present in the House. It is strange that they do not attach much importance to the speeches of Members who are now taking part in the discussion. I wonder whether you could kindly take any steps in the matter to see that attendance is better so far as Members of the Select Committee are concerned:

Mr. Speaker: I quite appreciate that point and I would certainly desire not only those who are in the Select Committee but others also who are Members of the House to be present and at least hear—if not talk much—what is going on in respect of Bills. But the question has also some other aspects and unless our whole set-up is revised fundamentally I find it difficult to enforce such a good suggestion as that very strictly. In the first place, hon. Members are busy with many things. In the second place, I do not mean to cast any reflection but the speeches go on for a very long time and they do not just cover the relevant points; therefore it becomes a bit tiring for a person to go on sitting here and hearing the same points, without any new points. Therefore, as I said, unless the whole set-up is changed fundamentally, it becomes very difficult to enforce that kind of suggestion. It is enough for all practical purposes that some of the persons on the Select Committee are present because they are expected to have a division of work among themselves and they convey whatever has been expressed in this House to their other colleagues. And last but, not least, they will, I am sure, even if they are not present here, go carefully through the proceedings of this House and consider every suggestion offered. Let us have that much of trust in them that they will do so. But whatever that may be, I entirely agree with the hon. Member's suggestion that Members should make it a point to be present as much as possible.

Shri M. A. Ayyangar: We are insisting on Ministers to be present. To do justice to them we should also be present on this side.

Mr. Speaker: That is also an aspect, but in this case the hon. Minister can be said to have been present throughout.

The Minister of Commerce and Industry (Shri Mahtab): I congratulate hon. Members of this House on their generally agreeing with the policies underlying this Bill. So far as the policies are concerned I do not think I shall have to say much in reply al-

though I shall try to clear up some of the points which have been made by some hon. friends. And, incidentally, many other points have been raised which, strictly speaking, have no direct relation with this Bill but which I think ought to be cleared up now.

I would take up in the beginning the question which has been raised as to the industrial policy followed by the Government. That policy is contained in their Resolution dated 6th April, 1948. That Resolution stands till it is amended by another Resolution, but I must remind the House that in the circumstances through which the country is passing it is not possible to follow a very clear-cut policy all through. I agree with Mr. T. T. Krishnamachari that very little opportunity is given to this House for discussing matters of policy. Personally, I expected discussion of the industrial policy during the time of the discussion on the Budget but, accidentally, the textile problem became too prominent in those days and therefore the question of industrial policy went to the background. I would be very much benefited myself if I would have an opportunity to know the views of hon. Members with regard to the policy which they should recommend. Apart from the policy which Government decide upon, it is necessary to know the views of hon. Members and also of the public as to the policy to be followed in the present circumstances of the country. The country, it must be admitted, is passing through a process of evolution. We cannot compare ourselves safely with the existing circumstances of other countries. If we want to compare ourselves with the circumstances of any other country, we should compare ourselves with other countries in comparable circumstances. We cannot compare India with U.S.A. of the present day nor with U.S.S.R. of the present day. If we compare India with either U.S.A. or U.S.S.R. we must compare in comparable circumstances. I would request the hon. Member who raised this point to compare the conditions of India with those of Russia immediately after the inauguration of the people's rule, say, the first five years after 1919, and if we want to compare India with U.S.A. we must do so with the U.S.A. of the days immediately after their independence, immediately after a new political set-up came into being.

You will find in the Resolution of 1945, when the present Tariff Board was set up, that it has been definitely mentioned that that body was only set up pending the formation of a permanent tariff Board to consider the

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question of industries in "post-war conditions". So, it did refer to post-war conditions. In India today not only the post-war conditions are present in acute form, but also the post-independent problems have arisen. In addition to these two types of problems, the prospect of a third World War is there. These three problems are simultaneously working in this country. So, it is not possible to fix up a definite policy and pursue it. Had it been the case, as it was the case in the U.S.S.R. immediately after their People's Rule, that a certain policy decided upon by a group of people would be ruthlessly pursued, probably there would have been some force in the argument that a definite policy should be laid down by the Government and should be pursued ruthlessly. But in the circumstances prevailing here, in the constitutional set-up here, we must leave something to the process of evolution. We cannot have that kind of revolutionary pursuit of a policy. We have to follow a process of evolution and must leave certain things to changing circumstances. Thus, it is idle to expect that a certain policy will be decided upon by Government—however powerful and however representative it may be—and that should be ruthlessly pursued. That is not possible in the present circumstances.

On this occasion, we may pay some attention to the trends in the country. What are the trends today? The trends today are that, in spite of the Resolution of the Government declaring their industrial policy, Government are not in a position to start industries on their own account even in the sector which they themselves decided upon at one time. Similarly, with regard to the private sectors, the complaint is that capital is not forthcoming. Therefore, it is difficult for industries to be built up. These are the trends. We have to look into the fact why Government do not themselves find money for starting industries and why private capital is not forthcoming for the purpose of development of the country. It is not the case of the taxation structure standing in the way. It will be a mistake to think that the present taxation policy is responsible for this kind of situation. If I were to discuss this matter theoretically, I should say that according to my observation the post independence problems are responsible for the present situation. Capital formation has ceased because capital is now spread over a very thin layer. It is not concentrated in a few peoples' hands as it was before. Therefore, it is not

easy, as in the former days, to collect capital. The method of collecting capital from a thin layer also is absent today, but it will gradually develop. We must leave these things to time, and it is for that reason that I personally feel, after a close observation of various economic trends in the country, that we must go in for small scale industries. The conditions prevailing in India today are very conducive to the development of small scale industries. Large capital will not be required and fortunately enough as I said once in this Parliament, the President of the Hind Mazdoor Sabha in one of the speeches agreed with me on this point of view that we should go in for small scale industries instead of crying for large scale industries. But these are all theoretical discussions today. We have very closely to watch the economic trends in the country and then pursue a policy which will fit in with the existing conditions.

The Fiscal Commission have done a great service to the country by placing their views before Government, before the House and before the public. At the same time, the Planning Commission are also deliberating over the very same matter which the Fiscal Commission have decided one way or the other. As the Prime Minister said many times in this House, the Planning Commission are going to send their report to Government in a few weeks' time, and when that report comes it will certainly be placed before the House and the House will then have an opportunity to discuss the Planning Commission Report along with the Fiscal Commission Report. The House will agree with me that in discussing the Fiscal Commission Report.....

Prof. S. L. Saksena: Shall we have an opportunity to discuss the Fiscal Commission Report when the Planning Commission Report is presented to the House?

Mr. Speaker: He said that along with the Planning Commission Report hon. Members will have an opportunity to discuss the Fiscal Commission Report also.

Shri Mahtab: It will be very relevant at that time to discuss the Fiscal Commission Report along with the Planning Commission Report. It is just possible—I cannot anticipate the Planning Commission's conclusion—that the conclusions of the Fiscal Commission may be somewhat different from the conclusions of the Planning Commission. So, while discussing the Fiscal Commission Report we must re-

member that if we discuss it apart from the Planning Commission Report it will be something like a premature decision of the House. If I may be permitted to say so. Therefore, the House would have to have the patience to wait till it receives the Planning Commission Report, and along with the Planning Commission Report it will have an opportunity to discuss the Fiscal Commission Report also. This is with regard to the question of policy mentioned by Mr. T. T. Krishnamachari.

With regard to the scope of the Bill, I am inclined to think that there has been some confusion with regard to this particular matter. The scope of the Bill is this, that it tries to protect the local industries—that is, Indian industries—against industries of other countries. It does not make any distinction between industries of different type existing in this country. It may be a cottage industry, it may be a large scale industry; it may be a small scale industry. That internal conflict is there. That is not going to be solved by the provisions of this Bill. That is a different matter which we might discuss elsewhere and we might take some other steps to solve those difficulties and resolve those internal conflicts.

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

But this is a measure which is intended to protect the local industries, whatever may be their type; whether they are started by big industrialists or small industrialists or by cooperative organisations or by cottage industry sections, this has nothing to do with their competition with the industries abroad. Take the case of mats which Mr. Sarangdhar Das referred to in his speech. He said—and that is correct—that it was really the Japanese mats—I do not know whether it is a machine-made industry or a cottage industry in Japan—but anyway the Japanese mats successfully competed with the mats made in India and completely threw them out of the market. In that case, that cottage industry should be protected, although it is a cottage industry.

Shri Ramaswamy Naidu (Madras): May I ask what will be the scope of this Tariff Commission or the policy of Government where an established industry is in fear of competition by some industry financed by foreign capital?

Shri Mahtab: It is a local industry. On another occasion also I discussed that point. But here the scope of the Bill is that industries existing in India

should be protected against foreign industries.

Shri Himatsingka: Protection is given to the industry, not to persons.

Shri Sondhi (Punjab): That is clear in the Resolution.

Shri Mahtab: When I intervened during Mr. Sidhva's speech, I pointed out that this was a measure which was intended to give protection to industries and not to persons. Take the case of the pencil industry. It is just possible that a millionaire has a pencil factory; or a cooperative society has a pencil factory; or pencils are manufactured on a cottage industry scale. When protection is given to the pencil industry, all these types of industries are protected, that is to say, not only the millionaire's factory, but also the cottage industry and the cooperative industry. This is the scope of the Bill. If that is borne in mind, I do not think that the other points need be replied to in detail.

Here, I must say that this is a measure which has to be considered as a sort of arrear work which is being cleared up. This should have been done at least twenty years ago in our country. When there was a cry for protection of Indian industries, this was not done. Here, we are only making up the leeway. Because other ideas have caught up the country—ideas of socialism and various other ideas—we do not realise the importance of the Bill to the same extent that it would have been realised had it been done in, say, 1924. In my preliminary speech I referred to the excitement which was prevalent when tariff protection was given to the steel industry. In those days the Central Legislature was full of enthusiasm. They considered it a great victory when they could impose upon the then Government a decision to give protection to the steel industry. This Bill therefore should be considered as arrear work. With regard to the other points which have been raised here, really they relate to the new ideas which have overtaken the country in the meantime. But we shall deal with that too. We shall have to make a double march with respect to these matters. Not only have we to give protection but at the same time we shall also have to take into consideration the control of industries. We are taking up the two things simultaneously. I made it plain in my speech that these two things have been kept in view. Not only protection will be given, but some control also will be exercised on the protected industries, so that they will not abuse the pro-

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tection given to them. So the position is that we are taking two steps simultaneously.

Mr. Sidhva made a special plea on behalf of small scale industries. As I have said, in my view, there is at present no other scope for this country except small scale industries. That being the position, if special industries are started on a small scale basis, no doubt they will deserve the same consideration, or better consideration than other industries. All these matters should be left to the Tariff Commission which will consider the case of industries as such and not the industrialists or the persons starting the industries. They will certainly consider the case of industries and recommend steps which will protect them against competition from industries of other countries.

With regard to the provisions of the Bill, much has been said in regard to the scope of sub-clause (2) of clause 11. Although I am not a lawyer, I can exercise my commonsense to some extent in this matter. Sub-clause (1) of clause 16 says:

"Upon receipt of a report made to it by the Commission, the Central Government may take such action as it considers fit in respect of any of the matters dealt with in the report".

The intention there is that the recommendations of the Tariff Commission are not final. Final decision is left to the Government. If Government decide to take any action, they will do so under the provisions of the Tariff Act. This Bill does not seek to repeal the Tariff Act. So when Government receives a report from the Tariff Commission it is for them to decide what action is to be taken. As soon as they decide that some action should be taken they will do so under the Tariff Act. I do concede that sub-clause (2) of clause 11 does not contain any reference to the Indian Tariff Act. Probably that may be an omission. But that is a matter for the Select Committee to dispose of and even if sub-clause (2) is omitted now, there will be no harm because the relevant provision is contained in the Indian Tariff Act under which action will be taken by Government. This is with regard only to import duties. With regard to the subsidies, it will be a governmental action. All these points will be fully considered and disposed of by the Select Committee.

In the course of discussion on clause 11, reference was made to the protec-

tion which was given in advance to manufacture of automobile component parts. That is recent history and I am sure the House would not have forgotten the events leading to that. Although I was not here then, I have very carefully gone through the papers relating to that matter. It was thoroughly discussed here in the House; it was thoroughly discussed at the party meeting and considerable canvassing went on, on behalf of conflicting interests. After long and protracted discussions certain decisions were taken. Going through the proceedings on this subject I found, that you yourself, Sir, gave crushing replies to the criticisms which were made against the then Government. Apart from that the whole matter was discussed in an informal manner in the meeting of the party also. Therefore, if, as was said, any patronage was shown by the then Government, the whole party constituting the Government was responsible for it. Individual Members are also responsible for that.

Shri Kamath: Can discussions at party meetings be referred to here?

Mr. Deputy-Speaker: Instead of the party the hon. Minister may use the word 'Parliament'.

Shri Mahtab: I do not think I have committed a mistake. If you wish, I shall show you proceedings of the House of Commons where references to party matters are made.

Shri Alagesan (Madras): Did not hon. Ministers give an assurance on the floor of the House that a rebate would be given on spare parts of public transport vehicles? Is it not a fact that this assurance was not honoured.

Shri Mahtab: I am coming to that.

The position is that the whole matter was discussed informally and formally by all concerned and after so much discussion a decision was arrived at. Maybe some people did not agree with the majority decision, but that is a different matter. What I intend to convey is this; if Government committed a mistake, for that not only the Government but all others who participated in the discussions were responsible. With regard to the assurance given by Dr. Mookerjee and also by the Finance Minister that rebates would be given to public carriers from the surplus of the Budget and that an expert Committee would be appointed to investigate whether it was necessary to make any revision with regard to the import duties, the steps which have been taken are these:

An expert committee was appointed in June, consisting of representatives of conflicting interests presided over by an officer of Government belonging to the Industry Ministry. They looked into the whole matter in great detail and recommended that sixteen components which are liable to a duty of 90 per cent. standard and 80 per cent. preferential should be put in a different category under which the duty leviable will be 30 per cent. standard and 24 per cent. preferential, as all these sixteen components were not likely to be manufactured in the next two years. This has been accepted by the Government and incorporated in the Finance Bill which has been passed by this House. Mr. Ramnath Goenka was one of the Members of the Select Committee to which the Finance Bill was referred and I was told by the Finance Minister yesterday that this point was raised and discussed in the Select Committee and all the Members were satisfied. I do not know whether Mr. Goenka was one of the Members who were satisfied or not. But even then the matter was thoroughly gone into by the Select Committee. If there was any complaint on that score it should have been raised in the Select Committee, failing which it should have been brought up here during the discussion on the Finance Bill. This is neither the time nor the occasion to raise it—that is my submission.

श्री भट्ट : लेकिन सेलेक्ट कमेटी में यह

भी बात आई थी कि इस सवाल को बल्लय तौर से भी लिया जाय जिस से इस के ऊपर बहस हो सके ।

[Shri Bhatt (Bombay): This point was raised in the Select Committee also that this issue may be taken up separately so that it may be discussed thoroughly.]

Shri Mahtab: I do not find any resolution of the Select Committee to that effect.

Shri Sondhi: It is included in the report.

Shri Mahtab: With regard to rebate, the proposal to amend the import duty on public service vehicles had to be dropped because there was no revenue surplus of the order anticipated. Dr. Matthal anticipated a certain surplus in the Budget and he promised that out of that surplus this rebate would be given. But there was no surplus; so there could not be any rebate either.

The question of rebate was also discussed in great detail. This was a matter on which I was fully posted with all information, immediately I assumed office. My point is that this is a matter which has been fully discussed on previous occasions to the satisfaction of hon. Members making the complaints now. That is my misfortune.

With regard to the points raised by you, Sir, I am sure they will be fully gone into by the Select Committee. With regard to the other provisions which have been discussed by my hon. friends, I think, it would be better to leave them to the Select Committee, and when the Bill emerges out of the Committee, this House will have another opportunity to discuss them. I do not think this is the occasion when I can discuss the details of these provisions.

But there is one thing to which you, Sir, drew the attention of the House which I can clear up now as I consider it from my own commonsense point of view. Clause 11(1)(a) reads:

“the grant of protection (whether by the grant of subsidies or the levy of protective duties or otherwise) for the encouragement of any primary or secondary industry in India (including any industry which has not started production but which is likely to do so if granted suitable protection).”

Here you, Sir, raised the question that it has been left to the opinion of the Government—because the wording of the clause is that “The Central Government may refer to the Commission for inquiry and report any matter requiring in its opinion” etc. So the Government will first form their own opinion and then if they consider it necessary they will refer it to the Tariff Commission. And the point has been raised why not the word “shall” be used here so that the Government must send to the Tariff Commission any of the matters in which they have come to the opinion that the thing requires protection. What I consider about it is this. It is not only an economic matter. There are also some politics involved in these matters. When there is a Tariff Commission certainly it will not be a political body. It will not dispose of political questions. The Tariff Commission is intended to advise Government on these matters so far as their economics are concerned. It is conceivable to have a case of an industry the protection of which is recommended by the Tariff Commission, and that even the Government

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themselves are convinced that protection is necessary, but for some political considerations it may be that the thing should not be done at the time. If we bind the hands of the Government here.....

Shri Kamath: You cannot dissociate politics from economics these days.

Shri Mahtab: This kind of option should therefore be left to the Government. If we make everything compulsory the result will be that the political function of the Government will completely disappear so far as these matters are concerned. I can easily give many instances to show how political considerations have weighed in these matters—not only in this country but in other countries as well.

Pandit Thakur Das Bhargava (Punjab): As a matter of fact they should not weigh.

Shri R. K. Chaudhuri (Assam): Free trade, open door policy, protection—all these are mainly political matters. You can never dissociate these from politics.

Pandit Thakur Das Bhargava: So far as these questions are concerned they are to be decided on their own merits and politics should not enter. Therefore what you, Sir, said was that the Government should not take upon itself to decide and that the question whether any protection is to be given to this, that or the other industry ought to be sent to the Tariff Commission and they should decide.

Shri Mahtab: My point has not been caught by the hon. Member. Government cannot leave the political considerations to the Tariff Commission. That is an impossible proposition. I do not think the House will agree to the idea that the political considerations should also be left to the Tariff Commission. If that is done it is better for the Government to abdicate and let the Tariff Commission do the whole thing. It is an impossible proposition.

Shri Sondhi: No country can do that.

Shri Mahtab: That is my common-sense point of view. But if the Select Committee considers that the political aspect of the matter should also be taken into consideration by the Tariff Commission and says that the Government must refer them, I have no particular objection to that. But the Bill has been drafted from this point of view.

Shri Sidhva: You must object.

Shri Mahtab: As a Member of the Select Committee I shall object; but it is not for me to argue that out here. I gave out my own opinion now, and I leave it at that. I trust that the Members of the Select Committee, although many of them are not here, will certainly go through the proceedings of the House and discuss the points raised here. I thank all the Members who have participated in this debate.

At the end I would make one small request, Sir. That is, to the number of Members of the Select Committee I would propose that your name and the name of Shri Khandubhai Desai be added.

Shri Sidhva: I am glad that my suggestion has been accepted.

Shri Joachim Alva (Bombay): Sir, there is one thing that disturbs me. There is hardly anything satisfactory in the hon. Member's speech in regard to the match factories. I want to state this much. I think it was admitted that there are nearly fifty match factories in India at present. But there is one Swedish firm which can undo them. Government is very keen to collect money from cigarettes and so on but is not keen with regard to this matter.

Mr. Deputy-Speaker: As the hon. Minister has explained, internal competition between heavy industries and light or cottage industries is not the subject-matter of this Bill.

Shri Kamath: Before you put the motion to the House, may I make a submission? Pursuing the point which I raised with the Speaker a little while ago, I feel that while it is unfortunate that a large majority of the Members of the Select Committee should be absent from the House, some Members who have made a special study of the subject and who are quite competent to sit in the Select Committee have not been included therein. I would request that in future the Minister concerned and the Chief Whip should pay some attention to this matter. For the present I would suggest that in addition to the two names happily added by the Minister, the name of Prof. Shibban Lal Saksena, who has made a careful study of the subject but who could not catch your eye yesterday or today, may also be included.

Mr. Deputy-Speaker: He may make a motion to that effect.

Shri Kamath: I beg to move:

"That the name of Prof. Shibban Lal Saksena be added to the Select

Committee on the Tariff Commission Bill."

The Deputy Minister of Commerce and Industry (Shri Karmarkar): Sir, we regret we are not in a position from the point of view of propriety to agree to the inclusion of any more names. These two also we added out of deference to the suggestion and as your goodself and Mr. Khandubhai Desai were Members of the old Committee we thought the Select Committee should not be deprived of the benefit of that advice.

Shri Mahtab: I shall take steps to invite Prof. Shibban Lal Saksena to the Select Committee. He may take part in the discussions and give us the benefit of his views.

Shri Kamath: That is not proper. What is the 'propriety' referred to by Mr. Karmarkar, I do not understand.

Shri Sidhya: I want to have one piece of information. It is said that the Tariff Board Act will not be repealed. There are certain clauses in that Act which I welcome, but if the Tariff Board Act remains as it is then there will be some inconsistency with the present legislation. I would like to know what is the exact position.

Shri Mahtab: There is no Tariff Board Act—it is the Tariff Act. Probably it will be necessary to amend that—that is, instead of reference to the Tariff Board we may have the Tariff Commission in that Act.

Shri Kamath: When two names have been added to the Committee may I know what impropriety or difficulty there can be to one more? Is there any sanctity about the number—that it cannot be twenty-six—or what is it?

Shri Satya Narayan Sinha: Yes, there is a limit.

Shri Kamath: What is the limit? There is no limit prescribed in the rules.

Mr. Deputy-Speaker: I cannot force any particular name on the Mover who makes the motion. But after all it is open to any hon. Member to make a motion by way of an amendment and I will put it to the House. That is the only point. No doubt I agree with the hon. Member Mr. Kamath that in making a selection with respect to Members, all Members are competent to be on any Select Committee. But I am sure that the Mover of the Bill would like to have the best of opinion. It is not as if every hon. Member has made a special study of every subject that comes up; so that on behalf of the

Government and the Mover of the Bill every attempt must be made to see that persons who have some special knowledge or who have taken interest in such matters must as far as possible be co-opted. It is not a question of patronage or anything of that kind. It will be a question of equal distribution and the best of light or experience will be brought to bear upon this matter. I am sure that even in the present selection the hon. Minister of State for Parliamentary Affairs has bestowed that attention.

So far as these two names are concerned I shall put the motion to the House, and also the motion with respect to the inclusion of the name of Prof. Shibban Lal Saksena.

The question is:

"That the names of Shri M. Ananthasayanam Ayyangar and Shri Khandubhai Desai be added to the Select Committee on the Tariff Commission Bill".

The motion was adopted.

Mr. Deputy-Speaker: Is it necessary that I should put the other motion? It is somewhat delicate if it were to be negatived.

Shri Kamath: It is not fair for the hon. Minister to object to his exclusion from the Select Committee. I do not know what reasons there can be.

Mr. Deputy-Speaker: I feel it is rather unfortunate. Of course it is open to any hon. Member and ultimately every hon. Member can have his own say in the matter, and I do not think the addition of one Member is going to outweigh. I find that the hon. Minister of State for Parliamentary Affairs and also the hon. Minister in charge of the Bill are prepared to accept it.

The question is:

"That the name of Prof. Shibban Lal Saksena be added to the Select Committee on the Tariff Commission Bill."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That the Bill to provide for the establishment of a Tariff Commission and to regulate its duties and functions, be referred to a Select Committee, consisting of Shri Ananthasayanam Ayyangar, Shri Gokulbhai Daulatram Bhatt, Shri S. N. Das, Pandit Munishwar Datt Upadhyay, Prof. K. T. Shah, Dr. Panjabrao Shamrao Deshmukh,

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Shri V. S. Sivaprakasam, Shri O. V. Alagesan, Shri Annarao Ganamukhi, Shri Raj Bahadur, Kaka Bhagwant Roy, Shri M. L. Dwivedi, Thakur Lal Singh, Shri G. A. Thimmappa Gowda, Shri Jai Sukh Lal Hathi, Pandit Thakur Das Bhargava, Shri P. Kunhraman, Shri Arun Chandra Guha, Shri Chimanlal Chakubhai Shah, Dr. C. D. Pande, Sardar Sochet Singh, Shri Dattatraya Parashuram Karmarkar, Shri Mohan Lal Gautam, Shri Khandubhai Desai, Prof. Shibban Lal Saksena and the Mover, with instructions to report by the last day of the first week of the next session."

The motion was adopted.

Shri Ramaswamy Naidu: In view of the fact that the hon. Speaker has stated that Members who are interested in the Bill can also attend the meetings of the Select Committee, may I request the hon. Minister to convene the meetings while Parliament is sitting, so that other Members may be able to attend the meetings of the Select Committee?

Mr. Deputy-Speaker: If that is possible it will be done; otherwise it has also to be done between the two sessions. After all this does not contain more than a few clauses and some of them alone are controversial and others are all procedural matters which are not of very great importance. I would only suggest that hon. Members will put down their suggestions and send them to the hon. Minister or to the Secretary of Parliament and he will forward them to the various Members for consideration. If Parliament is in session, certainly all hon. Members can come and make their suggestions to the Select Committee.

Shri Sidhva: He cannot speak there.

Mr. Deputy-Speaker: He can speak. Only when there is a controversy, they cannot vote. Otherwise, they can certainly give amendments. We make suggestions and speak also, that is what we have been doing.

I want to make another suggestion to the hon. Member. From the speeches made here the points will be called out without exception, will be noted upon and then sent round to the Members of the Select Committee.

Shri Sidhva: That is good.

PORT TRUSTS AND PORTS (AMENDMENT) BILL

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

"That the Bill further to amend the Bombay Port Trust Act, 1879, the Calcutta Port Act, 1890, the Madras Port Trust Act, 1905 and the Indian Ports Act, 1908, for certain purposes and to make certain consequential amendments in the Calcutta Port (Pilotage) Act, 1948, as reported by the Select Committee, be taken into consideration."

The Bills which preceded this contained matters of policy and had to be discussed in great detail and the Bill which is going to follow my Bill will also require prolonged consideration at the hands of the House, but I have got the good fortune or the misfortune of having a Bill which contains hardly any point of controversy. When I introduced the Bill it was non-controversial and after its emergence from the Select Committee it is still more non-controversial. The Select Committee met leisurely in January, considered every clause in detail and had refined the original Bill with practical unanimity.

Therefore, I do not think it is necessary for me to deal in detail with the changes made by the Select Committee. When the Bill was before the House for reference to Select Committee, only one major point was raised: Why should we amend these several Port Trust Acts? Why should not the Government bring forward a single comprehensive Bill to deal not only with these major ports but all the major ports which may come into being hereafter? I pointed out then that though such a comprehensive Bill may be desirable, there were many difficulties in the way. These three ports have had a long history; they have developed several unique aspects and we did not want to tamper with their normal functions. Therefore, as I explained then, we propose to unify the administration of all major ports in three phases: The first phase is that all the three Port Trust Acts of Calcutta, Bombay and Madras will be brought into as much uniformity as possible without dislocation of their actual working. The second stage will be when we shall bring before this

House a Bill which will regulate the operations of all the other major ports which exist or may come into being such as Cochin, Vizag, Kandla and other major ports which may come into existence hereafter and the third stage will be when we shall see how far it is possible to apply the general Ports Act to these ports and make special provision for any unique features of these Port Trusts. If we waited for the comprehensive Bill and for the further consideration of adaptation of those major Port Trust Acts to that Bill, we shall be losing time. We wanted that the first phase should be completed as early as possible so that the anomalies which have been discovered in the administration of these three major ports may be removed. As the three Port Trust Acts have emerged from the Select Committee, they will contain identical provisions on almost all major features. The original Bill tried to make them uniform and the Select Committee have carried it a stage further and tried to bring about uniformity in almost all respects except matters like the pilotage system in Calcutta and other such matters in the Bombay and Madras Acts.

My hon. friend, Mr. Sidhva was a Member of the Select Committee and I am glad to say that many amendments suggested by him were incorporated. He was also in agreement with most of the amendments suggested by other Members. Still as might have been expected, he has raised one or two points in a dissenting minute. The major point that he has raised is with regard to the supersession of the Port Trust Boards. The position is that in the case of Madras and Calcutta, the existing Acts contain provisions for supersession in emergencies while the Bombay Act did not contain any such provision. Therefore, we thought it desirable that the provision should be made uniform for all the ports. It has been argued that this right may be abused. As a matter of fact neither in the case of Madras nor in the case of Calcutta have we found it necessary to use this provision at all and so I fully expect that ordinarily there will be no opportunity for exercising this right but under modern circumstances we cannot leave such a vital thing to mere speculation. There may be circumstances for which even the Port authorities are not responsible. Suppose suddenly there is dislocation or there is war. There are other contingencies in which the normal Port Trust administration may be unable to function. We should have reserve powers. It may be argued that we have got emergency provisions in the Constitution. The House will find that the emergency provisions provided in the

Constitution deal with the supersession of State administrations; they do not give the President or the Executive Government any power to supersede the Port Trust administration or other administrations set up by a Central Act. It is only Parliament which will have the power to supersede the Port Trust Acts. We think that it should not be necessary to come to Parliament if a Port administration is dislocated by some sudden emergencies, by invasion, or by internal disturbances or by a general strike or other unforeseen contingency and there should be reserve powers with the Government. I have no hesitation in assuring Parliament that there will be no occasion to use that power except in case of such unexpected emergencies.

The only other point that my hon. friend has raised is about the Deputy Chairman for the Calcutta Port. This matter was discussed in the Select Committee. There was a provision for a Deputy Chairman in Bombay. But, that provision was never acted upon and that post was not filled. Therefore, we thought it necessary that that post should go. In the case of Calcutta, the Deputy Chairman has been functioning as a Port Commissioner and has been playing a part. We, therefore, did not think it worth while to change the structure. Because this Parliament revised the structure of the Port Trusts only recently, and because the whole Bill did not deal with the structure of the Port Trusts as that had already been dealt with, we did not want as an incidental measure to tamper with the existing structure. When the whole structure of the Port Trusts again comes up for revision at any future stage, that question may be considered.

The other points are of minor importance. For instance, the Select Committee have recommended that appointments should not be made arbitrarily, but should be done through Selection Boards. We have agreed to implement that recommendation and rules will be made for that purpose. The House will be interested to know that the words 'officers' and 'servants' contained in the Bill have been removed and replaced by a common term, 'employees'. The financial powers have also been brought into uniformity. The power of the Port Trust to incur expenditure has been increased; the power of the Chairman to incur expenditure has been reduced and the provisions have been brought to a rational form. I expect that the House will conclude deliberations of this Bill before the House rises for the day so that the consideration of the more important Representation of the people (No. 2) Bill may be taken up tomorrow.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Bombay Port Trust Act, 1879, the Calcutta Port Act, 1890, the Madras Port Trust Act, 1905 and the Indian Ports Act, 1908, for certain purposes and to make certain consequential amendments in the Calcutta Port (Pilotage) Act, 1948, as reported by the Select Committee, be taken into consideration."

Shri Sidhva (Madhya Pradesh): My hon. friend Mr. Santhanam stated that this Bill when introduced was of a non-controversial nature, and that it is so now. I am prepared to accept that it is not so controversial at the present moment; but it was controversial undoubtedly when he introduced it. There were many clauses in the Bill of a most retrograde nature. The very fact that the Select Committee sat for full three days, that is to say, five hours each day like a Parliamentary session, 15 hours in all, goes to show that the measure was not so non-controversial as my hon. friend tried to impress upon the House. But, I am very glad that he was reasonable and accommodating by accepting most of the suggestions made by the Members of the Select Committee. I am also glad that he called meetings of the Select Committee, not during the Parliamentary session, but on off days so that we were able to give particular attention to this Bill and devote all our time to that. I hope the other hon. Ministers also will, while calling meetings of the Select Committees, bear this in mind. I have in my experience seen that during the Parliament's session when the Select Committees meet, except on rare occasions like Finance Bill, the Members are busy over other matters and are not able to give that attention to the Bill that it deserves. To that extent, I thank him on behalf of the Select Committee and personally also I was pleased to see that he was reasonable in accepting most of the amendments that were moved by the Members.

Shri Naziruddin Ahmad (West Bengal): Not always reasonable?

Shri Sidhva: Yes; he is not reasonable sometimes.

As he has, however, stated, despite his acceptance of several amendments, I had to append a minute of dissent on a very important clause. A Port Trust is a local body just like any other local body or municipality. In the western countries, Ports are maintained by the municipalities. Here, of course, they are maintained by separate

boards. The difference between this board and the municipality is that this board consists of nominated officials and elected members, particularly of the interests which are mainly interested in the ports, whereas the local bodies, in free India are almost elected bodies of the representatives of the people. One feature, particularly the clause that I am mentioning, has certainly outdone the very many good features of this Bill, and that is the provision for the supersession of the Port Trust Boards. It is known to all Members, as I stated, that the Port Trust Boards consist mainly of nominated members and officials. The Collector of Customs is there; the Chairman is a nominated member; the Defence side is also represented by a nominated member; the shipping interests are represented by the Marine Director or whoever he is, who is nominated. To that extent the members are nominated; in some ports they are in a majority; in some in equality and in some in a minority. As far as the elected representatives are concerned, the commercial and industrial interests elect their members. In the working of these Port Trusts for the last 80 years or more, not a single instance has occurred where the Port Trust Board has acted contrary to the provisions of the Act. The hon. Minister has not been able to give the Members of the Select Committee even a single instance of that kind; nor is he prepared to tell us. Now, he wants to introduce a new clause whereby he wants to say that something may go wrong, some members may go wrong and, therefore, power should vest in the Government to supersede the Port Trust Boards. I am very much against the word 'supersession'. This was a word coined by the British Government for political purposes. They maligned the local bodies to show that the people in this country were not able to manage their local affairs. They reserved this power to themselves and they superseded a large number of municipalities. I do not claim that all the municipalities are working efficiently; I know their deficiencies and drawbacks. I know personal interests come in the way of some. But, the whole idea behind this supersession was to show to the world that the people of India were not competent to manage their own small affairs like municipalities. I do not want my hon. friend Shri Santhanam to introduce such a clause in this Bill on the assumption that something might happen at some time. We have in our Constitution provided for all such emergencies. There are sufficient safeguards even now. These Port Trust bodies are responsible bodies and have functioned

with a due sense of their responsibility in the past when there was war. They have kept the information they had quite a secret even from their own members as I know from my personal experience. They are responsible persons and you have also got a Chairman who is nominated by Government. And the Chairman has sufficient powers which make him all in all in these bodies. You also have so many members who are nominated. Therefore there is no room for entertaining any apprehensions that they may not function properly. I can understand a provision for supersession in the case of municipalities. In that case I can at least see the reasonableness of such an argument, but not in the case of these Port Trusts. Moreover, the power has not been left to Parliament, but to the Government. I am not against giving powers to the Parliament, indeed I have always fought for the supremacy of Parliament and maintained that Parliament can do anything at any time, being sovereign.

Mr. Deputy-Speaker: But most of the Local Board Acts have this provision.

Shri Sidhva: Yes, Sir, that is what I said. In the case of municipalities and such other bodies, I can understand this provision for superseding them by Government, but not in the case of the Port Trusts. Municipalities are elected bodies, but here you have almost equal number of nominated members and the Chairman also happens to be a nominated person. And so I do not accept this argument regarding superseding the Port Trusts. There is no such clause in the Bombay Port Trust Act which is the most enlightened.....

Shri A. C. Guha (West Bengal): What about the Calcutta Port Trust?

Shri Sidhva: I am not making any comparison, I am only mentioning Bombay as an example. All the Port Trusts—those at Bombay, Calcutta and Madras are all enlightened bodies. But we may remember that the Calcutta Corporation is superseded and so we can understand that there is some difference in the administrations at Bombay and at Calcutta.

Mr. Deputy-Speaker: Perhaps the hon. Member wants to make an exception of Bombay.

Shri Sidhva: Anyway, I say that we should not bring in such a clause in our Bill. We welcome the attempt to bring in uniformity in the Port Trusts. We also want it. We want that all of them should be called by the same name, either all Port Trustees or all Port Commissioners. But it was not found possible to accept our suggestion

as it was felt that they had to make such a number of changes in nomenclature in different places. But we are all agreed that there should be uniformity in the administration of these Port Trusts. We have been told and the Government have committed themselves to it, that there will be a common Act for all these Port Trusts at an early date. At present there are different limits in the case of different ports. I myself wanted to bring in an amendment in this respect. Madras has a limit of rupees two lakhs while Bombay has the limit of rupees ten lakhs. It is not as if I am jealous of only Bombay. When I found this injustice done to Madras, I proposed an amendment to bring the section relating to powers of spending money uniform in all these Ports.

After all, in these days we should not think of more and more of centralising these things. There should be more of decentralisation and all these ports should be given sufficient powers to deal with their own problems. There should not be any provision to supersede the Port Trust. What is the Act that exists at present in Madras? It says:

“If at any time, it appears to the Central Government that the works intended to be executed by the Board under this Act have not been, and are not likely to be, properly carried out or maintained by the Board, the Central Government may give six months’ notice, by order published in the Official Gazette, that unless, within that period, the Board take measures, to the satisfaction of the Central Government for the carrying out or maintenance of the said works, the powers by this Act conferred on the Board shall, at the end of such period, be withdrawn or revoked.”

Mark the words “said works”. These works will be taken over, but the whole Port Trust will not be superseded. Further it lays down:

“If at the end of such period, the Board has not taken such measures, the Central Government may assume possession and management of the works already constructed, and may, by a like notification, declare the powers of the Board to be withdrawn or revoked; and upon publication of such notification, all immovable and movable property, all rights of levying and recovering rates and penalties, all benefit of contracts, and all rights of suit which at the time are vested in the Board, shall be transferred to, and vested in the Central Government.”

[Shri Sidhva]

That is to say, as far as that particular work is concerned the Central Government will intervene. I would like to know in how many cases has it been found necessary for the Government to intervene in this manner? Take the Calcutta Act. In Section 38 it says:

"If at any time it shall appear to the satisfaction of the Central Government that the works intended to be accomplished under this Act have not been and are not likely to be, properly carried out, or (if carried out) have not been, and are not likely to be properly maintained by the Commissioners,

it shall be lawful for the Central Government by a notification to be published in the Official Gazette, to declare that if within a period of six months from the date of such notification, the Commissioners fail to take measures to the satisfaction of the Central Government for the carrying out or proper maintenance of the said works, the powers by this Act conferred on the Commissioners will, at the end of such period, be withdrawn and revoked."

What is proposed under this Bill is this:

"If at any time, it appears to the Central Government that the Commissioners are unable to perform, or have persistently made default in the performance of the duties imposed on them by or under the provisions of this Act or of any other law, or have exceeded or abused their powers, or that any orders or directions lawfully made or given by the Central Government have not been or are not likely to be carried out by the Commissioners, the Central Government may, by notification in the Official Gazette, supersede the Commissioners for such period as may be specified in the notification."

Now it is proposed to supersede the whole body. You are given a certain period and if you do not behave within that period, if you are not good boys, then off you go and the Government steps in. This I submit, is a material difference and it is also a slur on these self-governing bodies—after all these local bodies are self-governing bodies—that they should be superseded, that Government should have power to supersede them because the hon. Minister apprehends that they may not observe the provisions of the Act.

For such an apprehension there is no ground. In the past ninety years or so of the existence of these Port Trusts, we have not had any instance of such non-observance. Therefore, I submit that this matter should be carefully considered. This power to supersede the Port Trusts need not be here, because you have already all the necessary powers to deal with any emergency. The Constitution also provides for it. If today the hon. Minister is asking for such stringent provisions in the Bill, on another day some other hon. Minister will come forward with another Bill wanting similar powers. Such powers should not be vested in the Government, for the executive will make them dance and see that what they want is carried out. I do not want the freedom vested in them to be fettered by the various provisions of this Bill. This is an extraordinary and objectionable feature in the Bill. Otherwise I compliment the Minister for having acceded to so many improvements and amendments suggested to the Bill. Only in this matter he was obstinate, although I may say that the original measure was much more stringent: and as you will see, Sir, we were able to make some improvements. I am more or less satisfied with the Bill except that I hope he will bring in at a later stage a uniform Bill.

As regards the National Harbour Board which he has set up as an advisory board, the Select Committee felt that this matter should be brought to the notice of Parliament when it is to be made an executive board. It is only an advisory board now and we do not want any overlapping or superseding of the present powers of the Port Trusts by giving certain powers to this National Harbour Board. On going through its constitution I see that it is a good innovation. It is only a few months since it was started and I do not know how they have been functioning, whether they have come into conflict with the Port Trusts or whether they are doing some useful work. Although we are going to pass this Bill it is on the distinct understanding which we made clear in the Select Committee, that the hon. Minister will bear in mind that he should bring a uniform Act at an early stage. I hope the Minister will see that this is not lost sight of and a uniform Bill brought for all these three Port Trusts. Subject to this I wholeheartedly support the Bill.

Shri Chaliha (Assam): May I ask Mr. Sidhva what is the alternative

machinery he is going to set up in case the Port Commissioners fail to construct a work which was undertaken?

Shri Sidhva: Already the provisions are there. In the event of their failure the Government can intervene. In the present Act it is definitely laid down that if they fail, the Government will take up the work themselves.

Shri Chalhha: Is that not supersession?

Shri Sidhva: It is not supersession. Whereas at present the powers of the Trusts will be curtailed, supersession will mean that the whole body will be taken over by the Central Government and it will be dissolved. There will be no board then.

Mr. Deputy-Speaker: There is no port in Assam and the hon. Member need not labour the point.

Pandit Munishwar Datt Upadhyay (Uttar Pradesh): The hon. Minister just remarked that a number of points that were raised in the Select Committee were accepted by him and therefore quite a number of complaints have been removed. But I find that there are still certain features of this Bill which are objectionable. I will try to bring out those points and I hope the Minister will consider them and will be able to accept some of them.

The most important feature which has been emphasised is.....

Mr. Deputy-Speaker: I ought not to be understood to be obstructing the course of the debate if I venture to make a suggestion. Points relating to individual clauses may be referred to when we take up the amendments to particular clauses. If there is anything relating to the general over-all policy they may be dealt with. In view of the fact that the House will take up the People's Representation Bill tomorrow hon. Members may kindly see if they could not shorten their speeches if possible. Mr. Sidhva has been in the Select Committee and knowing as he does all the provisions in the Bill I do not think there is much to be said in the House.

Pandit Munishwar Datt Upadhyay: In the general discussion I would only refer to points of policy. As regards the amendments some of them I would like to press when that stage comes.

As regards one uniform Act, it has been spoken about at length by the

previous speaker and it was also very much discussed in the Select Committee. I will therefore not take up the time of the House. The hon. Minister has stated that action will be taken later on when he finds that he has obtained a certain amount of uniformity in the working of the different ports. I will not emphasise that point except to draw attention to one point mentioned in the Statement of Objects and Reasons.

It is said that an attempt has been made to maintain the *status quo*. So long as that viewpoint prevails there will never be any chance of having a uniform Act. In this Bill itself some provision should have been made to see that a certain amount of uniformity was obtained. I find even now that the provisions relating to all the boards are quite separate. Although there is not much difference in the provisions still there are separate provisions under separate chapters. They could be made uniform in one comprehensive Act. I will not dilate on that but I hope the Minister will keep it in view and in the near future he will bring in one comprehensive Bill.

In the Bill an attempt has been made to restrict the limit of disqualifications of members. I will cite only one instance. Formerly the provision was that a person who was interested in the sale of goods to the board to the extent of Rs. 2,000 should be disqualified. Now that amount has been raised to Rs. 10,000. That is restricting the provision relating to disqualification in a manner which is not desirable.

The other point is that it is contemplated that the Chairman of the board may be an employee of this board. I have serious objection to that. An employee should not be the Chairman, as otherwise the trust proposed to be established will not be of any standard. The Chairman should be a public man having experience of the working of the board as also of some local bodies. There are big municipalities as also corporations in the country. The chairman or executive officers are persons who are associated with the working of such local bodies and they will prove suitable persons as Chairmen of the board. But that an employee of the Port Trust should become the Chairman and that members who come as representatives of different bodies should be under him would not, I submit, be a very good combination. The Chairman should in no case be an employee of the Port Trust; he should

[Pandit Munishwar Datt Upadhyay]

be an independent person and must be a public man of experience.

Then, certain provisions have been incorporated in the Bill by which it is attempted to give the Chairman greater power of appointment, punishment, and other things. I consider that existing provisions are quite enough to meet the needs, and especially in view of the proposal that the Chairman should be an employee of the Port Trust it is necessary that this provision for enhancing the powers of the Chairman should be dropped. The provision that already exists should be considered to be sufficient.

As regards the question of the Deputy Chairman for the Calcutta Port Trust, it is very necessary to maintain that post because the necessity for it has been felt very keenly there.

An Hon. Member: It has been retained.

Pandit Munishwar Datt Upadhyay: But it was suggested, probably by Mr. Sidhva, that that post should go. I consider that that post is very necessary.

The other point that was referred to by the previous speaker was the question of supersession. In my opinion, provision for supersession is absolutely necessary. There might be cases of serious trouble, there might be cases of embezzlement, there might be cases of mismanagement. To meet such contingencies provision for supersession ought to be there. My friend said no necessity for it arose in the past. Quite likely that no necessity might have arisen in the past but it is possible that in the future there might be some trouble. Therefore, it must be provided for—you may not require to make use of it, but then it must be there.

Then, a certain amount of fee has been prescribed for inspection of minutes. This fee is absolutely unnecessary because it is not examination of records but inspection of only minutes of the meetings of the board. I think the minutes will be open to the public and a summary will also be published; so if you require a fee for inspection of those minutes it would be highly improper. If it were a question of inspection of records it would have been different, but here it is a case of inspection of minutes. I would therefore submit that this provision for charging a fee

for inspection of minutes should be deleted.

The object of the Bill as has been stated by the hon. Minister is to have uniformity. As these ports are to be supervised and controlled by the Central Government there should be uniform policy, there should be uniform working and general uniformity should be secured as far as possible. The other object mentioned herein is decentralisation of authority. Decentralisation of authority is, of course, highly desirable but then decentralisation and supervision from the Centre and uniformity cannot go together. If there were one uniform Bill incorporating provisions to cover all the Ports it might have been possible to achieve both these objects. They cannot be achieved so long as provisions for all these ports are separately made in the Bill. Unless we have one Act covering all the ports we can never achieve our objective of uniformity.

Among the other points that I have raised in my amendments is one relating to provident funds. In case the Chairman is not an employee of the board that question will not arise. I will not go into those details now but will make my submissions when the amendments on those clauses are moved.

Shri A. C. Guha: I welcome this Bill but I would have been more glad if it had been more comprehensive and if it would have introduced greater uniformity in the various ports. Government have on the present occasion come before the House with a Bill to amend almost century-old Acts, but instead of that they ought to have made an attempt to have a comprehensive measure, revising the old Acts and replacing them. Like all utility services such as railways and post offices, ports also should have been under the control of the Government. This Bill is calculated to some extent to achieve that purpose. At the same time I would wish that like any local body the Port Trusts also should have some amount of autonomy. As far as we have been able to get an idea of the efficiency of the present Government, we would very much like that Government should take up a policy of decentralisation. Without keeping all the power at the Centre, they should begin entrusting local bodies with some authority and power. On the other hand, this Bill tries to put greater control over the Port Trust Commissioners instead of relating the control.

I would like to confine my remarks mostly to the Calcutta Act. I come from Bengal and I do not like to go into the Bombay and Madras Acts—other Members from those States would take care of them. Mr. Sidhva has spoken about supersession. I consider the provision embodied in this amending Bill is a retrograde move. In the Calcutta Act there is a provision for supersession, but that supersession is to be done only after six months of notification in the Gazette. The Port Commissioners may rectify those mistakes within those six months; if they fail to do so, only then the Government, by another notification, could take over all the powers of the Port Trust. But in the amending Bill only three months notice for explanation has been provided after which Government can supersede the Port Trust.

Mr. Sidhva also referred to the supersession of the Calcutta Corporation. That is why I would like that such easy supersession of these local bodies should not have been provided for in this Bill. Initially, the Calcutta Corporation was superseded for six months; but it is now two years and still the supersession continues and no one knows when it will end. If the authorities take it into their heads at some time either for some political or other reason other than administrative reasons or reasons of the public interest, they can simply supersede the Port Trust without any objection or hindrance from the public. At the same time, I do not like that there should be no authority vested in Government to supersede the Port Trust even if the Port Trust squanders public money or neglects its duties. All that I would like is that in each case of supersession, the Central Government should come before the House and take the approval of the House. This should be done within a certain period after every supersession.

Under the present Calcutta Port Act, the appointment of the Chairman is done by the Central Government with the previous consultation of the Commissioners. The Deputy Chairman is appointed by the Port Commissioners. In the present amending Bill it has been provided that both these functionaries would be appointed by the Central Government without any reference to the Port Commissioners. I think it would be fair for Government to show this much courtesy to this autonomous body that before putting an executive head over them they should be consulted. That is the democratic procedure

followed in all countries. Even in the appointment of Governors, it is the procedure to consult the Provincial Cabinet. I would like to retain this procedure, and the Port Commissioners should be consulted before the Chairman or the Deputy Chairman is appointed by the Central Government.

In another respect, this amending Bill has been too liberal. The present provision in the Calcutta Act is that the Chairman can only appoint officials up to a salary of Rs. 350 p.m. But this Bill has been generous enough to give authority to the Chairman to appoint any official up to Rs. 1,000 p.m. I very much object to this provision. This will lead to jobbery, nepotism and all sorts of corruption. Considering the present moral standard of the officials and the public life, I think Government should not give the Chairman so much authority. The maximum should be Rs. 500. That also should be done by the Commissioners, not by the Chairman in his personal capacity. Every appointment carrying a salary above Rs. 500 should be referred to the U.P.S.C. and only on its recommendation the Commissioners should make the appointment. I would beg of the hon Minister not to give so much authority to the Chairman.

Pandit Munishwar Datt Upadhyay: Why not it be done by the board?

Shri A. C. Guha: Not even the board should have the authority to appoint an officer carrying a salary of Rs. 1000.

Another thing that is introduced in this Bill is the inspection of proceedings. I would like that the maximum fee should also be laid down. It ought not to be left to the Commissioners to fix the fee. The Bill may provide not more than rupee one, or even rupees two or rupees five. It should not be more than rupees five in any case.

Then, there is a provision regarding the repayment of the Central Government loan. The present Calcutta Act provides that the Port Trust can re-pay the Central Government loan even before its maturity if sufficient money is available. I do not think that this right should be curtailed, as is sought to be done here. Unless the Port Commissioners have sufficient money, I do not think they will be foolish enough to pay back the Central Government loan. The Port Commissioners should be given this discretion. They will be handling crores of rupees and so they can be given this discretionary power as to when to re-pay the loan.

[Shri A. C. Guha]

If they have sufficient money, they should be allowed to re-pay the loan even before maturity.

Shri Santhanam: What is the clause?

Shri A. C. Guha: I shall give it later on.

Another change provided here is that whereas so far the Commissioners can enter into any transaction without limit, hereafter they can only do so up to a limit of rupees seven lakhs. That is quite all right. I do not object, but even up to this limit of rupees seven lakhs they should have the previous sanction of the Central Government as has been provided. I think this check on spending money is quite salutary. Even up to this limit, provision for audit that is provided in this Bill does not seem to be quite satisfactory. The Auditor-General has to see all these things, but I think there should be some regular control for the audit of the funds to be spent by the Port Trust. There should be some definite provision about that. I do not find any such provision for regular and periodical control by the Auditor-General or something like that.

Lastly, I would once again appeal to the hon. Minister that the Port Trusts as local bodies should be given discretionary power and the super-sessions should not be made easy. The Port Trusts should be made to feel that they are responsible bodies. Unless you give them responsibility, no sense of responsibility will develop in them. With the supervisory authority resting in Government, they will not be running too much risk in giving this power to the Port Trusts.

Shri Santhanam: I shall briefly reply to certain points raised by hon. Members. My hon. friend Mr. Munishwar Datt Upadhyay suggested that the Chairman in the scheme of the Bill was an employee of the Port Trust. It is not a fact at all. In fact, the Chairman is appointed by the Central Government as one of the members of the Port Trust or Commission and as Chairman. Therefore, he is not a subordinate official of the Port Trust. He is quite independent, and he is chosen for his ability. There is no limitation upon the choice of the Central Government, though naturally the post being an executive post they would like to have man with great administrative experience. Otherwise the choice of the Central Government in the matter of the Chairman is unrestricted and the Chairman is not an employee of the Port Trust at all.

Shri Munishwar Datt Upadhyay: But the provision is that an employee can also be Chairman. I object to that.

Shri Santhanam: We may appoint any one, if he is the fittest man in the circumstances. It does not say that the employee should be ordinarily nominated or anything like it but if there is already a person in employment who has very distinguished abilities, I do not see any reason why the Central Government should be positively prevented from appointing him. Of course, we can also get round such provision by asking him first to resign and then appointing him. There should be no difficulty in such a matter.

My hon. friend Mr. Guha suggested that our removal of the provisions regarding consultation before appointment of Chairman was not correct. We have removed that provision for consultation because we were appointing not only an executive head but also a Commissioner. I think it will be very unfair to consult Commissioners about the appointment of another Commissioner. It will make the relations between the Chairman and the other Commissioners rather difficult, if for instance they had to express an opinion against him and the Government came to the decision that he was the proper man to be appointed. Then he will have a bad start in his relations with the other Commissioners.

Shri A. C. Guha: What about the appointed members?

Shri Santhanam: As my hon. friend knows a Port Trust consists partly of officials and partly of members elected from various kinds of interests, like labour, shipping, etc. In such a miscellaneous body, we cannot ask of our own officials their opinion as to whom we should appoint Chairman. In order to avoid all these anomalies in the appointment of one of the most responsible officers, Government wanted to have complete discretion and freedom.

There was some misconception about appointments. Formerly all appointments to posts carrying a salary of Rs. 350 and more a month were made by the Port Trust as a body. This unfortunately led to a lot of canvassing. Therefore we want to change that practice and entrust the Chairman with the power of appointment. But the Select Committee has made a recommendation and I have given a formal undertaking that the Chairman

will only be a formal appointing authority and the selections will be made by a proper selection board appointed by each of the Port Trusts. The actual selections will be made by these boards and the order of appointment will be issued on behalf of the Chairman.

As for posts carrying more than thousand rupees and of Heads of departments, they will be very few and they will be made by the Port Trusts. Even then, they will be subject to the approval of the Central Government. The difficulty of referring these cases to the Public Service Commission is that many of these appointments are technical ones requiring technical qualifications and it may be difficult to have men recruited through the Public Service Commission. In many cases we found that selections made in this way were not suitable. If the appointments are made with the approval of the Central Government there is a double check to see that these appointments are properly made.

Pandit Munishwar Datt Upadhyay: Then why leave it to the Chairman?

Shri Santhanam: It is not appointment by the Chairman at all. We want the selections to be made by independent selection committees. We want to save the Port Trust Commissioners from being canvassed for minor appointments. In fact, if men go about from Commissioner to Commissioner, if every appointment is discussed and the minutes are deposited with the office and looked into by the public, it will not only create a first class scoop for the newspapers, but it will be very bad for the Port Trusts and the administration in general.

Pandit Munishwar Datt Upadhyay: There is no mention of selection boards anywhere in the Bill.

Shri Santhanam: Of course, it is not in the Bill. That will be done by the rules.

In regard to the fee the only consideration was that if we leave it open to the public some people for fun or mischief may take advantage of it and it will be very difficult to regulate. In fact my hon. friend suggested that the fee should be something like rupees four or five. Our idea is that it should be very nominal and we are going to suggest to the Port Trust authorities that it should be very nominal, say four annas, eight annas or at the most rupee one. After all a Port Trust is a public office and we cannot allow anybody to walk into it. It becomes easy these days for people to find a loop-

hole in an Act or in the law and to create trouble for public authorities.

Then, I cannot understand this talk about decentralisation. I thought that so far as administration is concerned, the Port Trust authorities have perhaps the most complete autonomy of any local body in the whole country. They are more autonomous than the corporations, municipal committees, or similar bodies.

Shri Sidhva: What about nominated members?

Shri Santhanam: Nominated members are needed, because we cannot hand them over to vested interests. The people who are represented are the shipping interests, federations of trade and commerce, etc. I do not think the House will agree to our handing over the Port Trusts to them. That is why we want to have nominated members.

The utmost autonomy is given to the Port Trusts under the Bill. We have got only very few supervisory powers. Subject to these supervisory powers the Port Trusts are fully autonomous and as I have said their autonomy is greater than any other autonomous body in the country.

My hon. friend Mr. Guha made some remarks about audit of Port Trust accounts. I think the Select Committee made a very good departure by insisting that the Auditor-General of India should be the authority responsible for the audit and control of the finances of the Port Trusts.

Shri A. C. Guha: That I have approved. I referred to the lack of any provision for periodical checks.

Shri Santhanam: It is open to the Auditor-General to have as much check as possible. We cannot fetter his discretion. Whatever money he wants will be allotted by the Port Trusts and it is open to him to appoint as many auditors as is necessary to have a perfect control.

Lastly I come to the question of supersession. I would in this connection ask hon. Members to read the Constitution. The State Governments and State Legislatures are far more important and have far more popular backing and may be trusted to act properly. Still article 356 says:

"If the President.....is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance

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with the provisions of this Constitution, the President may by Proclamation—

(a) assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in, etc.”

Shri Sidhva: Leave it at that.

Shri Santhanam: The President will have power to take over the administration of a State in accordance with the provisions of the Constitution. But the President of India will not have the power even in an emergency to take over the administration of a Port Trust. All that this Bill does is to put the Port Trust on a level with the State Governments so far as the power of the President of India is concerned. The provision has been carefully scrutinised by the Select Committee. I do not think there should be any objection to that.

I hope the House will rapidly go through the provisions of the Bill.

Shri A. C. Guha: The hon. Minister promised to clarify the position about the repayment of a central loan.

Shri Santhanam: When the Central Government makes a loan, it makes it under certain conditions. It is not open to anybody to take a loan or repay it without subscribing to these conditions. All that we now provide is that after consultation with it, the Port Trusts should be given power to repay the loan, even if the original conditions were that they were to be repaid at certain times. Without a mutual agreement such a thing is not possible. Therefore we have redrafted it only according to the ordinary conventions of business principles.

Mr. Deputy-Speaker: The question is:

“That the Bill further to amend the Bombay Port Trust Act, 1879, the Calcutta Port Act, 1890, the Madras Port Trust Act, 1905 and the Indian Ports Act, 1908, for certain purposes and to make certain consequential amendments in the Calcutta Port (Pilotage) Act, 1948, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

New Clause 3A.—(Amendment of section 6, Bombay Act VI of 1879.)

Shri Santhanam: I beg to move:

After clause 3, insert new clause 3A:

“3A. Amendment of section 6,

Bombay Act VI of 1879. In section 6 of the Bombay Act—

(a) in sub-section (2), for the words ‘electing bodies convened in accordance with the rules at the time in force in this behalf’ the words ‘electing bodies, subject to the approval of the Central Government; and the name of every person so elected shall be published in the Official Gazette’ shall be substituted;

(b) sub-section (3) shall be omitted.”

The insertion of this new clause is considered necessary as it will require the electing bodies to be defined and also the manner of election of their representatives. This is based on section 6(2) of the Calcutta Act and is considered necessary from the point of view of uniformity.

Part (b) of the amendment proposed is a consequential change made.

Shri Sidhva: Sir, I object to this amendment. But first of all I want to know your ruling whether this amendment, which is of a fundamental character and which was not brought before the Select Committee, could be moved at this stage. The point is that the hon. Minister wants that the elected bodies who elect the members will be subject to the approval of the Central Government. I have never heard of such a thing. We have given rights of election to the various local bodies, and they make their choice and elect their members. I do not want that the Central Government should interfere with the elected bodies’ representation. This is something extraordinary. But before expressing my opposition to this I want your ruling whether such an amendment can be moved at this stage. Take any elected body, take a municipality. They are allowed to elect members and it is not subject to the sanction of Government.

Shri Santhanam: My hon. friend is under a misapprehension. The amendment does not mean having the approval of the elections but as to the manner in which electing bodies themselves are defined. Clause (2) of section 6 states that “the election shall be held in such manner as shall from time to time be determined by the electing bodies convened in accordance with the rules at the time in force in this behalf”. We want the Central

Government to approve which are the electing bodies. But when once the electing bodies are settled the Central Government does not come into the picture and there is no need for their approval of the elections. The question as to which are the electing bodies should be subject to the approval of the Government, as is done in Calcutta.

Shri Sidhva: The electing bodies are already defined in the Act. My hon. friend does not know.

Mr. Deputy-Speaker: Why was this matter not brought before the Select Committee?

Shri Sidhva: This is a departure from the usual practice. It is not proper.

Shri Santhanam: Sir, this is only to bring the Bombay Act into uniformity with the Calcutta Act.

Mr. Deputy-Speaker: There are a number of other things also.

Shri Santhanam: We have carried the process in respect of one or two matters only.

Shri Sidhva: It is not fair.

Shri Santhanam: Sir, if you think it is out of place I am not going to insist on it. But, as I said, this is only to bring the provisions into line with the others.

Shri Sidhva: It is objectionable and I will explain after the Chair has given its ruling.

Mr. Deputy-Speaker: As a point of order I can rule it out. It is open to any Member to bring in an amendment to the proposals of the Select Committee. But when the Mover of the Bill himself brings it forward, certainly he has opportunities to make suggestions in the Select Committee, and except for some slips here and there or consequential amendments which might have escaped notice or in respect of matters of draftsmanship, other matters which involve contention must have been thought of as far as possible. Unless he says it was somehow a slip and so on I do not think.....

Shri Santhanam: This was not noticed at the time of introduction or the consideration. It is not a point of importance either. It is only for the sake of bringing about uniformity that this has been tabled.

Shri Sidhva: Sir, I still submit that the hon. Minister may kindly consider your request.

Mr. Deputy-Speaker: "In accordance with the rules at the time in force in this behalf"—was this already in the Bombay Act?

Shri Santhanam: Yes.

Mr. Deputy-Speaker: Therefore, instead of giving power to the Central Government to give its seal of approval from time to time to the electing body, if there is a uniform rule.....

Shri Sidhva: Sir, may I say that the rules framed by the Port Trust are approved by the Central Government. The election rules are supposed to be framed by the electing bodies and sent to the Government and they can come into operation only subject to their being passed by Government. The rules are there, the bodies are there. Why should they have control over the members who are elected. Because there can be no other meaning in this amendment than that they want to control the election of the local bodies.

Shri Santhanam: No. The interests and the other things change, and so the electing bodies have to be altered. For this purpose we have first to change the rules, notify them etc. When the Port Trust want a new set of electing bodies—for instance Chambers of Commerce and Industries have come, and in Bombay a National Shipping Association has come into existence—in all such cases the existing words are that "the election shall be held in such manner as shall from time to time be determined by the electing bodies convened in accordance with the rules at the time in force in this behalf". Now under the amendment it will be that "the election shall be held in such manner as shall from time to time be determined by the electing bodies, subject to the approval of the Central Government ..etc." That is all.

Mr. Deputy-Speaker: What is it that is approved by the Central Government? Is it the rules that are approved, or when once the electing body has elected, is it open to Government to reject the election?

Shri Santhanam: It is the definition of the electing bodies.

Mr. Deputy-Speaker: That is to say these are all what are called.....

Shri A. C. Guha: Something like electoral colleges.

Mr. Deputy-Speaker: Then is it open—whether in accordance with the rules at the time in force in this behalf or not; even if they are omitted

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electing bodies are elected in accordance with rules as electoral colleges—is it open to Government to say “We will not approve”, notwithstanding the fact that these have been elected in accordance with rules? That is what is objected to.

Shri Santhanam: Then I shall not press the amendment.

Mr. Deputy-Speaker: So the amendment is not pressed.

Clauses 4 to 8 were added to the Bill.

12 Noon

Clauses 9 and 10

Shri Santhanam: The Select Committee put in Rs. 10,000 because the old Rs. 2,000 is equal to Rs. 10,000 now. We have provided for representatives of shipping interests, industries and others. It will be impossible to find a private businessman if we say on a single transaction of Rs. 10,000 or less he ought to be disqualified. The Select Committee considered the matter and deliberately came to the conclusion. For example, if a man sells one small car to the Port Trust, he will be disqualified from becoming a member.

Mr. Deputy-Speaker: I do not think Pandit Munishwar Datt wants to press his amendments. Then I shall put clauses 9 and 10 together.

Shri Santhanam: If clause 10 is omitted there will be a lacuna because the *ex-officio* trustees will come out but those under section 5 will remain as trustees. This will cause some confusion.

Mr. Deputy-Speaker: 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.

Clauses 11 and 12 were added to the Bill.

Clause 13.— (Amendment of section 16, Bombay Act VI of 1879.)

Shri Sidhva: I beg to move:

In part (1) (i) of clause 13, in the proposed amendment of sub-clause (g) of clause (2) of section 16 of Bombay Port Trust Act, 1879, omit “on payment of such fees”.

I only want to say this. All the general body meetings are open to the public and the press but these Port

Trust meetings are not open to the public and the press. While an opportunity was sought by me to amend the Bombay Port Trust Act, that they should be open to the press, the Government Benches stated that there was no objection to the Port Trust meetings being kept open. It was left to the discretion of each board but no board desires that its meetings should be kept open. In these days when each board deals with nearly Rs. 100 crores worth of transactions, I see no reason why the public who are interested should be kept out of it. To this the hon. Minister also stated that they can frame rules. My desire is that it should form part of the law. Normally the people will not rush into the Port Trust office to see the proceedings. Let rules be framed. Generally the meetings are held once in a week and important discussions take place. On principle I object to the levying of a fee. I hope he will accept my proposal. Let anybody who wants to witness the proceedings be allowed to do so. Why should we restrict them by levying a fee.

Shri Santhanam: My hon. friend wants that the Port Trust meetings should be open.

Mr. Deputy-Speaker: There is no amendment to that effect.

Shri Santhanam: As the position stands the Port Trust meetings may be open to the press and the public but it depends upon the subject matter discussed. Suppose there is a particular appointment under discussion or a particular confidential matter is discussed, it cannot be open to the public. Otherwise it can be open. Here the fee is intended only to regulate entrance to the Port Trust premises. Suppose there is a dockers' strike tomorrow and the people storm the Port Office and say we want to inspect the minutes of the Port Trust meetings, then it will not be possible for them to control them. This is purely intended to control entry into the premises and not for inspection of the minutes etc.

Mr. Deputy-Speaker: I do not think the hon. Member wants to press his amendment.

Shri Sidhva: No, Sir.

Mr. Deputy-Speaker: The question is:

“That clause 13 stand part of the Bill.”

The motion was adopted.

Clause 13 was added to the Bill.

Clauses 14 and 15 were added to the Bill.

Clause 16.-- (Amendment of section 18, Bombay Act VI of 1879.)

Pandit Munishwar Datt Upadhyay: In this clause a provision has been made "Provided that no settlement shall be made under this section without the previous sanction of the Central Government if such settlement involves the payment by the Board of a sum exceeding twenty-five thousand rupees". In case this provision remains then the amount should be reduced to Rs. 10,000, that is my suggestion. Otherwise, I want that the words "the payment by the Board of" be omitted. I therefore, beg to move:

In clause 16, in the proposed proviso to section 18 of the Bombay Port Trust Act, 1879, omit "the payment by the Board of."

Mr. Deputy-Speaker: If it is removed, it will mean that if the Port Trust receives monies, it must take the sanction of the Central Government.

Pandit Munishwar Datt Upadhyay: If the board is not getting the entire sum due then in this case also sanction is necessary.

Shri Santhanam: There is a separate provision for contracts etc. above which the board will have to get the sanction for entering into a contract for executing works. All that is covered by other clauses. Here it is only a question of payment by the board and therefore, I think the amendment is unnecessary.

Mr. Deputy-Speaker: In cases where payments exceed Rs. 25,000 the sanction of the Central Government is necessary.

Pandit Munishwar Datt Upadhyay: Not only in those cases but where payment by the board is to be considered, sanction is to be sought for. In all cases where the transaction is worth Rs. 25,000 whether it is that the board has to pay or receive it, the sanction should be obtained. My amendment is clear.

Mr. Deputy-Speaker: Even if the settlement relates to receipts the hon. Member wants the sanction of the Central Government.

Shri Santhanam: I think that is not possible.

Mr. Deputy-Speaker: What he means by this is that a claim for a lakh may be settled by paying Rs. 25,000.

Shri Santhanam: The section says:

"The Board may compound or compromise for, or in respect of, any claim or demand arising out of any contract entered into by them under this Act or in respect of any action or suit instituted by or against them, for such sum of money, or other compensation, as they shall deem sufficient."

So it is always a claim against the Port Trust. It is not a claim by any Port Trust on any contract.

Mr. Deputy-Speaker: We may assume a contractor is unable to discharge his obligations. Then the board may have a claim against a contractor; it may legitimately have a claim for rupees one lakh. Then who is the authority to settle that matter? So this may apply to both situations. What is the harm in accepting this amendment unless the Government does not want to give any right to the Board to compromise in cases where it has to recover money.

Shri Santhanam: We want to restrict the power of the board to the minimum possible. Usually, the claims arise against the board. It is seldom that the board itself, as a public body will go to the length of filing a suit for compensation against somebody, because, the ordinary procedure in such contracts is moneys are deposited in advance with the board in order to execute the contracts. That is the usual procedure in the case of Government contracts. It is the contractor who generally claims for refund of the deposit. For instance, in the case of wharfage and other things, money is paid. For every such thing, we do not want the Port Trust to come to us. It is only when it has to pay contractors where pressure may be brought by vested interests that we want to keep the power. We do not want an extension of the power given by these clauses.

Mr. Deputy-Speaker: Difficulty arises this way. We will assume there are cases where contracts for extensive constructions have been given. Maybe two or three or five lakhs are involved. The contractor commits default. The board may have a claim against him. In that case, is it the intention of the Government to allow the Port Trust to compound with the other man? A few lakhs may be involved and it may be settled for a few thousands without the sanction of the Central Government.

Shri Santhanam: That will be unlikely because all payments are made

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after a certificate of completion of work. Before a work is completed, generally, only a part payment is made. In all such cases money will be owing by the Port Trust and not by the other man. Even in the case of default, money will be owing to him and it will be set off against the money due. That will generally be the case. We want to control expenditure by the board. If even in the case of receipts, we have to control, I am afraid...

Mr. Deputy-Speaker: It is not a question of controlling receipts. Also if the full amount is recovered, there is no question of the sanction of the Central Government being taken. In case something arises where the board has got a claim against some person and wants to compound it for Rs. 10,000,.....

Pandit Munishwar Datt Upadhyay: Generally that may not happen; there may be some cases where the board has to get money.

Mr. Deputy-Speaker: Then, should the board be allowed a free hand in the matter?

Shri Sidhva: The board will come to the Central Government.

Mr. Deputy-Speaker: Where is it provided?

Shri Sidhva: The section reads.

"The Board may compound or compromise for, or in respect of, any claim or demand arising out of any contract entered into by them under this Act, or in respect of any action or suit instituted by or against them, for such sum of money or other compensation, as they shall deem sufficient".

This amendment is justified for the reason that generally contractors bring in claims and in some cases use their influence and settle the claim in favour of the contractors against the interests of the Port Trusts. What is laid down is that any settlement either against the contractor or in favour of the board involving more than Rs. 25,000 should come to the Central Government.

Mr. Deputy-Speaker: The section says, suits instituted by or against the board.

Shri Sidhva: Both were contemplated. That is how I read the amendment. That is the idea of the Select Committee.

Mr. Deputy-Speaker: Therefore, the restriction should be there. I think it is all right.

Shri Santhanam: Of course, this is a very minor point. I am advised that in cases in which the board is likely to get money, the board looks after its own interests and that it is only where it has to pay money, Government has to control.

Mr. Deputy-Speaker: I think we have, on the other hand, experience where public institutions are nobody's property.

Pandit Munishwar Datt Upadhyay: That may involve loss to the Government.

Mr. Deputy-Speaker: They may easily compromise a matter in favour of an influential person when power is given to the board to compound.

Shri Santhanam: I have no objection to accept the amendment.

Mr. Deputy-Speaker: The question is:

In clause 16, in the proposed proviso to section 18 of the Bombay Port Trust Act, 1879, omit "the payment by the Board of".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 16, as amended, stand part of the Bill".

The motion was adopted.

Clause 16, as amended, was added to the Bill

Clauses 17 and 18 were added to the Bill.

Clause 19.—(Insertion of new sections 20A etc.)

Pandit Munishwar Datt Upadhyay: My submission is that gratuity should be allowed only when there has been a certain length of service. Otherwise to allow gratuity for a person who comes for a few months and goes away is not proper.

Shri Santhanam: If he is an old entrant, he is governed by those conditions of service. If he is a new entrant, whenever a new person is taken in, we prescribe certain terms and conditions. These terms may include payment of gratuity. Therefore, it is essential. Otherwise, gratuity and other things will be payable only in

accordance with the old terms of service. Therefore, in either case, it is necessary.

Mr. Deputy-Speaker: Old entrants will be governed by the old regulations and conditions of service and new entrants by the new conditions.

The question is:

"That clause 19 stand part of the Bill."

The motion was adopted.

Clause 19 was added to the Bill.

Clauses 20 to 47 were added to the Bill.

New Clause 47A.—(Insertion of new section 61B in Bombay Act VI of 1879.)

Shri Santhanam: I beg to move:

After clause 47, insert new clause 47A:

"47A. Insertion of new section 61B in the Bombay Act VI of 1879. After section 61A of the Bombay Act, the following section shall be inserted, namely:—

'61B. *Responsibility of Board for loss, etc. of goods*—The responsibility of the Board for the loss, destruction or deterioration of goods of which it has taken charge shall, subject to the other provisions of this Act and subject also in the case of goods received for carriage by railways to the provisions of the Indian Railways Act, 1890 (IX of 1890), be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872 (IX of 1872), omitting the words 'in the absence of any special contract' in section 152 of the last-mentioned Act.'"

Mr. Deputy-Speaker: What is the import of this?

Shri Santhanam: There is a specific provision in section 112(1) of the Calcutta port Act, 1890 and in section 41 of the Madras Port Trust Act, 1905, which invests the Calcutta Port Commissioners and the Madras Port Trust with the responsibility of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872. Here, though, of course, by construction the same responsibility may lie on the Port Trusts, we think it necessary to define expressly their responsibility as has been defined in the other Acts. It is to make the position clear regarding the people who transact business with the Bombay Port Trust. I think this is wholly unobjectionable.

Mr. Deputy-Speaker: Omitting the words "in the absence of any special contract" in section 152 of the Contract Act: is it the intention of Government that no power ought to be given to enter into special contracts?

Shri Santhanam: That is the provision in the other Acts.

Mr. Deputy-Speaker: I suppose it meets with the general approval of the House.

The question is.

After clause 47, insert new clause 47A:

"47A. *Insertion of new section 61B in the Bombay Act VI of 1879*—After section 61A of the Bombay Act, the following section shall be inserted, namely:—

'61B. *Responsibility of Board for loss, etc. of goods*—The responsibility of the Board for the loss, destruction or deterioration of goods of which it has taken charge shall, subject to the other provisions of this Act and subject also in the case of goods received for carriage by railways to the provisions of the Indian Railways Act, 1890 (IX of 1890), be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872 (IX of 1872), omitting the words 'in the absence of any special contract' in section 152 of the last-mentioned Act.'"

The motion was adopted.

New clause 47A was added to the Bill.

Clauses 48 to 61 were added to the Bill.

Clause 62.—(Substitution of new section for section 8, Bengal Act III of 1890.)

Mr. Deputy-Speaker: Now we come to clause 62. Does Mr. Sidhva move his amendment?

Shri Sidhva: I do not move it, but it wants to bring about a little uniformity and the hon. Minister also wants to bring in uniformity in all these Port Trusts. I wonder why he cannot accept it.

Mr. Deputy-Speaker: He says uniformity will be achieved by means of the next Bill that he proposes to bring in.

Shri A. C. Guha: Sir, my amendment seeks to insert the words "after consultation with the Commissioners" after the words "Official Gazette" in clause 62. The explanation given by the hon. Minister does not seem to be

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satisfactory, because we have that provision even now. The Central Government is not bound to carry out the advice, but the Central Government may consult the Commissioners.,

Mr. Deputy-Speaker: Is it obligatory to accept the advice?

Shri Santhanam: We do not want to have this consultation as it might lead to people coming up with proposals and we may have to reject them and all these things would involve difficulties. We do not have this provision in the case of Bombay and Madras and so we thought we need not have it for Calcutta also.

Shri A. C. Guha: This provision has been there and it has not led to any difficulty as yet. If the hon. Minister is not prepared to accept it, I shall not move my amendment.

Mr. Deputy-Speaker: The question is:

"That clause 62 stand part of the Bill."

The motion was adopted.

Clause 62 was added to the Bill.

Clauses 63 to 73 were added to the Bill.

Clause 74.—(Substitution of new sections for section 17, Bengal Act III of 1890).

Mr. Deputy-Speaker: Does Mr. Guha move his amendment to clause 74?

Shri A. C. Guha: Sir, in proposed section 17A there is the bar on a Commissioner voting, if the "question is one in which he has any direct or indirect pecuniary interest". The words "or indirect" are not clearly understood. I do not know what the Government actually mean by the word indirect". It has not been defined anywhere and so I want to delete the words.

Mr. Deputy-Speaker: That only means something like taking a contract in the name of his wife or brother-in-law.

Shri A. C. Guha: That will be a direct interest.

Mr. Deputy-Speaker: No, no. Such benami transactions are so common here.

The question is:

"That clause 74 stand part of the Bill."

The motion was adopted.

Clause 74 was added to the Bill.

Clauses 75 to 85 were added to the Bill.

Clause 86.—(Substitution of new section for section 32, Bengal Act III of 1890).

Mr. Deputy-Speaker: Clause 86. Does Mr. Guha move his amendment?

Shri Santhanam: It is the same as Pandit Munishwar Datt Upadhyay's point and I have already explained the position.

Shri A. C. Guha: As there is proposed to be a selection committee and as the Government is not agreeable I do not move my amendment. But still I think the Chairman should not have such wide powers. The Union Public Service Commission should be utilised.

Mr. Deputy-Speaker: But why avoid the Public Service Commission in these cases where the posts carry such big salaries when the Commission has to recruit even third division clerks for the Secretariat?

Shri Santhanam: While making rules there will be provision for consultation of the Commission. But if this work of recruitment is entrusted to the Commission there will be lot of difficulties. Even with a separate Commission for Railways we are not able to recruit the personnel in time. The whole thing will get clogged.

Mr. Deputy-Speaker: The Minister has said that in the selection of the Commissioners, the Public Service Commission will be consulted. That will be enough.

The question is:

"That clause 86, stand part of the Bill."

The motion was adopted.

Clause 86 was added to the Bill.

Clauses 87 to 90 were added to the Bill.

Clause 91.— (Substitution of new section for section 38, Bengal Act III of 1890.)

Shri Sidhva: I have already spoken on this question of superseding of the Port Trusts by the Government and so I want the whole clause 91 to be deleted.

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

In clause 91, in sub-clause (1) of the proposed section 38 of the Calcutta Port Act, 1890, after the existing proviso, insert new proviso:

“Provided further that the Central Government shall seek the approval of Parliament for the issuing of such a notification within a month if Parliament is then sitting or within 15 days from the beginning of the next sitting of Parliament. This shall apply to every renewal of the notification.”

I do not like that Government should have absolute authority to supersede the Port Commissioners and also to extend the period of supersession from time to time without the approval of Parliament. I want that every time they want to supersede the Port Trust or to extend this period of supersession, they should come to Parliament and get its approval. I hope the hon. Minister will accept this modest amendment of mine. This has been done in the Tariff Bill also.

Shri Saathanam: Under clause (4) of the proposed section 38 there is the provision to lay before Parliament a report on the action already taken at the earliest possible moment. So Parliament will have the opportunity of raising any point that it likes from this report. The time of Parliament need not be taken up by providing that every time its approval should be taken. Otherwise it will become impossible for Parliament itself to function. The Select Committee considered this carefully and thought that the provision under clause (4) is sufficient to prevent any hasty action from being taken.

Shri A. C. Guha: There are not too many Port Trusts in India. There are only three or four.

Shri Santhanam: Hon. Members want a comprehensive Bill to cover all the Port Trusts and in the General Port Trust Act also you will find this provision. In course of time there may be ten to twenty Port Trusts and in every case if there is to be positive action by Parliament, Parliament will not have time for other business than the Port Trusts. A report has to be submitted to Parliament and it will see

whether it is necessary to take any positive action or not.

Shri Sidhva: I would suggest that instead of the words “Central Government” the word “Parliament” may be substituted, wherever it occurs. My friend Mr. Santhanam says that the new Act will come into being and there may be as many as 20 to 25 Port Trusts which will come into existence. This is merely hypothetical. Surely in a matter like this Parliament should have the power and there should be no difficulty about it.

Mr. Deputy-Speaker: The hon. Member knows that Parliament is none other than the Government for the time being. If the Government makes up its mind to supersede any such body, it will not do so unless it has the backing of Parliament and if they do not have it they will not remain in office for a minute. The difficulty will be that the Port Trust members will try to canvass hon. Members here.

Shri Sidhva: We are strong enough to resist it and they will not succeed in canvassing us.

Shri Santhanam: Supersession is purely an executive action and Parliament may not be in session over long periods (*Interruption*).

Shri Sidhva: Now, he is changing his ground.

Mr. Deputy-Speaker: Executive authority ought not to be taken away by Parliament. Parliament is not a judicial body to inquire into the matter. This is purely an executive affair.

Shri Sidhva: If it is left to Parliament the executive will be very alert and they will not supersede the boards on minor issues.

Mr. Deputy-Speaker: I do not think it is necessary to deal with this matter. In the Select Committee care has been taken to see that the matter is reported to Parliament. The hon. Member may then move a resolution that such supersession should not be done. The hon. Member need not be serious about this matter.

Shri A. C. Guha: I am rather serious about it and would press my amendment.

Shri Santhanam: The drafting itself is very defective. The wording is “shall seek the approval of Parliament” First it has to be issued and then it will be superseded.

Mr. Deputy-Speaker: All that it means is that they must make a proposal to Parliament, take their approval and issue an order.

[Mr. Deputy-Speaker.]

I shall now put the amendment to the House.

The question is:

In clause 91, in sub-clause (1) of the proposed section 38 of the Calcutta Port Act, 1890, after the existing proviso, insert new proviso:

"Provided further that the Central Government shall seek the approval of Parliament for the issuing of such a notification within a month if Parliament is then sitting or within 15 days from the beginning of the next sitting of Parliament. This shall apply to every renewal of the notification."

The motion was negatived

Mr. Deputy-Speaker: The question is:

"That clause 91 stand part of the Bill."

The motion was adopted.

Clause 91 was added to the Bill.

Clauses 92 to 116 were added to the Bill.

New Clause 116A.—(Amendment of section 113, Bengal Act III of 1890.)

Shri Santhanam: I beg to move:

After clause 116, insert new clause 116A:

"116A. Amendment of section 113, Bengal Act III of 1890.—In sub-section (2) of section 113 of the Calcutta Act, for the word 'three', the word 'five' shall be substituted."

Under the Bombay Port Trust Act seven days are allowed and under the Madras Port Trust Act thirty days are allowed, and all the merchants have been pressing upon us that the present provision of three days should be extended. They have been asking for at least seven days but the Calcutta Port Commissioners consider that five is the utmost they could allow. That is why this amendment is being moved.

Mr. Deputy-Speaker: The question is:

After clause 116, insert new clause 116A:

"116A. Amendment of section 113, Bengal Act III of 1890.—In sub-section (2) of section 113 of the Calcutta Act, for the word 'three', the word 'five' shall be substituted."

The motion was adopted.

New Clause 116A was added to the Bill.

Clauses 117 to 164 were added to the Bill.

Clause 165.—(Amendment of section 76, Madras Act II of 1905.)

Shri Sidhva: I beg to move:

In part (b) of clause 165, for "two lakhs of rupees" substitute "seven lakhs of rupees".

The power vested under the Madras Act was for rupees two lakhs whereas under the Bombay and Calcutta Acts it was for rupees eight lakhs. Although Madras is smaller than Calcutta and Bombay, I do feel that....

Mr. Deputy-Speaker: The volume of work and revenue is much smaller.

Shri Sidhva: But the composition of the board is the same.

Mr. Deputy-Speaker: All the municipalities are alike in constitution. For instance, the Corporation of Bombay and the Municipality of Tirupathi are similar in constitution.

Shri Sidhva: Here the boards are identical. In one board you give directions to trust them.....

Mr. Deputy-Speaker: The hon. Minister hails from Madras. He should be expected to be more interested in it.

Shri Santhanam: Tomorrow if I extend that provision to Vizagapatam it would mean ten per cent. of the revenue of that Port.

Mr. Deputy-Speaker: I do not think he need be over-anxious about it.

Shri Sidhva: I want to be fair, not over-anxious.

Mr. Deputy-Speaker: I do not think he is pressing his amendment?

Shri Sidhva: No, Sir.

Mr. Deputy-Speaker: The question is:

"That clause 165 stand part of the Bill."

The motion was adopted.

Clause 165 was added to the Bill.

Clauses 166 to 194 were added to the Bill.

Clause 1 was added to the Bill.

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

Amendment made.

That the renumbering of the clauses consequential on amendments made by the House be carried out.

—[Shri Santhanam]

Shri Santhanam: I beg to move:

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

I have nothing to add, except that I must express my gratitude to the House for passing this Bill so expeditiously.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

ASSAM RIFLES (AMENDMENT) BILL

The Deputy-Minister of External Affairs (Dr. Keskar): I beg to move:

"That the Bill to amend the Assam Rifles Act, 1941, be taken into consideration."

I do not want to make a long speech. Assam Rifles is an organisation whose work is well known to the House and it was also discussed when this question came up during the Budget debate.

Mr. Deputy-Speaker: What I expect the hon. Ministers to do is that they need not take it for granted that every hon. Member knows every portion of an amending Bill. Besides, the Press and the outside world have to know what we are passing. Under the circumstances, some short resume of what is expected of this House and what the contents of a particular measure are should be given, so that hon. Members may be put in an enquiring mood and they may pass anything that they do in the full knowledge of what they are passing.

Dr. Keskar: The Assam Rifles was originally formed for the defence of the Assam frontier, but during the course of its evolution it has also been performing the function of police and security in the State of Assam. From that point of view, it is a unique regiment. It is performing simultaneously invaluable police work in the State of Assam in addition to military security work on the frontiers, which can be considered to be international frontiers, because they touch Tibet, China and Burma. The Assam Rifles was originally a small organisation and its work has been expanding and this House passed last year the addition of more platoons and brigades to it. At the present moment, the Government of India are spending more than rupees one crore on Assam Rifles. As I said, the work of the Assam Rifles has been invaluable from the point of

view of the security of our frontiers in the north east and also the policing of the Assam State.

The present Bill is a very minor amending Bill. During the war, the Army Act applied to the Assam Rifles also and non-combatants who were enrolled in the Assam Rifles for helping combatants were also amenable to the discipline and rules of the Army. After the state of war terminated, the non-combatants could not come under the discipline of the combatants. The situation in Assam which is a border State is such that the non-application of the rules of the combatants in the enrolment, recruitment and discipline has created great difficulty for the Assam Rifles to recruit in sufficient numbers non-combatants who are very essential for maintaining the efficiency of the Assam Rifles as a whole. It is to remove this disability that this Bill has been brought forward. I am sorry that this Bill has been delayed by more than a year. Though the Bill by itself is very small, it will help very greatly in the improvement of the efficiency of the Assam Rifles as a whole. The Bill proposes to add to the list of persons who are recruited and enrolled an additional category called non-combatants which did not exist before. That is the only addition that it proposes.

In view of the very minor character of the Bill and its non-controversial character, I hope that there is no need for any serious discussion of the provisions and I hope the House will pass the Bill quickly.

Mr. Deputy-Speaker: Motion moved.

"That the Bill to amend the Assam Rifles Act, 1941, be taken into consideration."

Shri Chaliha (Assam): The Assam Rifles came into existence under the British with a view to protecting the borders of India adjoining Burma, China and Tibet—an area called non-administered area. It was thought desirable that people who know the country should be recruited.

The Assam Rifles performed the functions and duties of both the police and the military in the area of the Naga, Mishmi and Abor Hills. They are a very useful body and this small Bill seeks to provide them with certain amenities by providing them with the services of hospital attendants, cooks, water-carriers, cartmen, range-warders, barbers, washermen and sweepers, who will be enrolled as non-combatants and as such would be amenable to the discipline and other conditions of service of the Rifles.

[Shri Chaliha]

The area which is protected by the Assam Rifles is sparsely populated and affords very few amenities. If they want the services of a barber, they cannot get it. It is, therefore, very desirable and necessary that these soldiers who do hard work and watch our frontiers should be given the necessary help and amenities, so that they may look trim and smart. Therefore, I welcome this Bill. Since we took over Tripura and other small States the Assam Rifles have expanded. These are the people who know the country and fight well. Particularly during the last war, their services were immense to the country.

I have a great grievance against the External Affairs Department in the matter of recruitment. Since 1919 the British felt that the Assamese were getting politically conscious and wanted to eliminate them from the Assam Rifles, with the result that they now form hardly 20 per cent. of the force. The balance of 80 per cent. consists of Gurkhas. Though the Deputy Minister the other day said that Gurkhas form only 40 per cent. of the force, the real fact is that they constitute 80 per cent. of the Rifles. The Gurkhas are politically backward. Therefore they were preferred for our defence. I should say that we should now reverse the gear. The elimination of the tribal people is causing unemployment in those areas. The country will remember with gratitude the memorable defence of Kohima by this force. Therefore Assamese should be recruited and I would make it a point to Dr. Keskar that he should write to the Defence Department that they should see to it. Under the Act the Commandant has power to recruit. He is the recruiting officer. As such the External Affairs Ministry can issue a circular that in future the vacancies should be filled in more and more by the Assamese of the locality there. I trust that this will pave the way for better understanding among the Assamese who are turning a little Communist in some places. The sturdy peasants and tribals have turned Communist, because they have no other way. In my own town they were soldiers of the Assam Rajah. Now they turn to loot whenever opportunity offers. You call them Communists but they want occupation. Therefore, in order to protect society, more and more Assamese should be recruited to these Assam Rifles. We are increasing their number by about two or three more regiments. As such I trust it will be borne by the Defence Department and by the External Affairs Ministry.

Pandit Munishwar Datt Upadhyay (Uttar Pradesh): I rise to congratulate the Deputy Minister for bringing this Bill before this House. It is a very necessary Bill as we shall find from the provisions that have been made in the Bill. He has just now remarked that he wants to enlist a number of non-combatants. I would submit that the necessity of the non-combatants in the army is so great that without them I think the work cannot go on at all. But we find that even outside the Army, in public life everywhere, persons who work as menials or labourers or who help us in such sort of work are nowadays very scarce. So at the time of need, when there is any emergency, this necessity may be more keenly felt. Therefore the hon. Minister is making this provision quite in time. I do not think it is very much delayed. No such emergency has arisen. Maybe that in Assam there might be some special situation for which he might have required these services earlier. But it is quite in time now to make provision for it. The necessity for this kind of men in the Army services cannot be over-emphasised.

But I have to make certain suggestions. Those suggestions are meant only to help the steps that the hon. Minister proposes to take in this connection. I want that he should have another class also. That class probably is wanting in this list of non-combatants. I do not know if such classes may not be required in the life of the people living in Assam, but from the general knowledge of the situation of the country I think that the necessity of one more class is very great. In any organisation unless you have some menials, some cleaners or *safias* you cannot carry on the work. Therefore one class that I would suggest to be added to the non-combatants would be the class of *safias* or cleaners. If the hon. Minister considers it proper he might accept that suggestion.

There is one more suggestion that I have got to make. That suggestion is that in the class of combatants Nalbands come before Naiks. They are above Naiks and the ranks under this Act would be according to the order in which they are placed here.

It is said in sub-clause (2) of clause 3: "that the persons specified in column 1 of the table in sub-section (1) shall take rank in the order mentioned in that column." In that case Nalbands will be superior to Naiks. As I know Nalbands are not superior to Naiks. 'Naik' is quite a decent rank in the

Army and Nalbands are, of course. Nalbands, after all. In clause 4 certain punishment for petty offences has been provided in case of persons who are below the rank of Naiks and in case Nalbands are to be superior to Naiks as in this list, then this will not apply to Nalbands. In view of question of punishment under this clause, I think it would be necessary that we should give the proper place to Nalbands; they should be placed below Naiks. With these two suggestions that I have made, the list would be quite complete and the anxiety that was being felt will also be satisfied if these people are enlisted in time for any emergency that might arise. With these remarks, I welcome this Bill and I again congratulate the hon. Minister who has brought this Bill quite in time to have these people enlisted for any emergency that might arise in future.

Shri Sidhva (Madhya Pradesh): In the Statement of Objects and Reasons the word "menial" occurs. We have already said that they should be called low grade staff. I would request the hon. Minister to bear this in mind and delete the word 'menial'. In the pre-war days there were two classes of followers in the Assam Rifles, public and private; public followers comprise menial establishment. I do not know why the word 'menial' should not be substituted by the words 'low grade staff'.

Dr. Keskar: It will not form part of the Bill.

Shri Sidhva: You cannot put a word which is objectionable in the Statement of Objects and Reasons.

Dr. Keskar: You can call them low grade staff.

Shri Sidhva: I am glad. But it is stated in the Statement of Objects and Reasons: "Public followers comprised menial establishments; and private followers included barbers, washermen, cooks, water-carriers, etc."

Mr. Deputy-Speaker: It will not be part of the Bill. The hon. Minister will take note of that.

Dr. Keskar: The explanation is not up-to-date.

Shri Sidhva: Will it be amended?

Dr. Keskar: It is a historical statement that we are calling that establishment in that manner.

Mr. Deputy-Speaker: Nothing could be done now. So far as the Statement of Objects and Reasons is concerned, that is not to be amended. In future they will not use it.

Dr. Keskar: I would like to say only two things with regard to the remarks of Mr. Chaliah. I am entirely in sympathy with his suggestion. It was quite natural that at the time when the Assam Rifles was first formed the Gurkha element should have predominated to a great extent. It was the policy of the then Government to encourage the Gurkhas whom they trusted probably and whom they thought to be the best combatants available to them. It is not the policy of the present Government to encourage a particular community. I quite agree with him and I believe that the peasants of Assam are as good combatants as the Gurkhas or any other provincial class. But I would like to draw his attention to this, that at present also a very large percentage of the Assam Rifles is formed by the tribal people of Assam and he cannot neglect this factor. Probably what he means is that the Assam plains people are not taken to the extent that they should be. I think it will be kept in view. I certainly accept the suggestion. We will see that the Assam local people, whether tribal or plains people are taken more and more into the Assam Rifles.

With regard to the suggestions made by my hon. friend, Pandit Munishwar Datt Upadhyay and for which he has tabled two amendments, I am afraid I am unable to accept the amendments, for I am advised by the Military authorities that the word 'Nalband' though it appears to be a very low grade word, a Nalband in a cavalry occupies a very important position. This sometimes equals the Havildar Major and the Military authorities have very carefully graded this list and I think it would not be proper after they have graded these, for us to try to change it. Therefore, I hope he will not press his amendments.

1 P.M.

With regard to the addition of the category of Safias or cleaners, I think the list that we have is the one sent by the Assam Rifles themselves. They probably did not think it necessary. Probably, sweepers include cleaners. Probably, the hon. Member is taking into consideration the conditions prevailing here.

Shri Chaliah: We have no Safias.

Dr. Keskar: They do not need and therefore they have not added them.

I do not think it is necessary to add another category.

Mr. Deputy-Speaker: The question is:

"That the Bill to amend the Assam Rifles Act, 1941, be taken into consideration."

The motion was adopted.

Clause 2.—(Amendment of section 2, Act V of 1941.)

Amendment made:

In clause 2, in the proposed amendment to clause (4) of section 2 of the Assam Rifles Act, 1941, for "1950" substitute "1951".

—[Dr. Keskar]

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

Clauses 3, 4 and 5 were added to the Bill.

Clause 1.—(Short title.)

Amendment made:

In clause 1, for "1950" substitute "1951".

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

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

Dr. Keskar: I beg to move:

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

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

The House then adjourned till Half Past Eight of the Clock on Wednesday the 9th May, 1951.