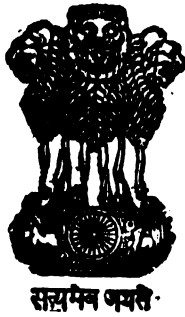


Tuesday, 26th February, 1952



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PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME I, 1952

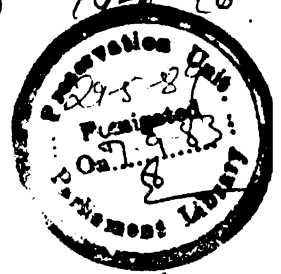
(6th February to 5th March, 1952)

Fifth Session

of

PARLIAMENT OF INDIA

1952



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

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PARLIAMENT OF INDIA

Tuesday, 26th February, 1952

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

GENERAL ELECTIONS

***218. Shri Raj Kanwar:** Will the Minister of Law be pleased to state:

(a) whether any organised pigeon service was established in connection with the last General Elections; and

(b) if so, in which places and with what result?

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): (a) and (b). No organised pigeon service was established in connection with the general elections. Orissa had already an organised pigeon service which was utilised during the elections. The results are reported to be very good.

Shri Raj Kanwar: Do Government propose to carry on further experiments in this direction with a view to exploring the possibility of establishing regular communication in inaccessible places?

Shri Satya Narayan Sinha: Does the hon. Member mean during the time of elections or on ordinary occasions?

Shri Raj Kanwar: On other occasions also.

Shri Satya Narayan Sinha: The matter will be considered.

Shri Raj Kanwar: Is there any organised pigeon service in any country that Government knows of?

Shri Satya Narayan Sinha: I would like to have notice of the question.

Shri Kamath: When did the Orissa Government organise this pigeon service—how long before the elections did they have it?

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Shri Satya Narayan Sinha: I cannot give the exact time, but this service was already in vogue there before the elections.

GENERAL ELECTIONS (PUBLICITY)

***219. Shri Jagannath Das:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the amount of money spent by the Ministry on publicity in connection with general elections by various units of the Ministry separately and the total till 31st January 1952; and

(b) whether any additional staff was employed in each unit and if so, what are the details about the same?

The Minister of State for Information and Broadcasting (Shri Diwakar):

(a) The attention of the hon. Member is invited to the reply given to his Starred Question No. 129 (b) on the 9th August 1951 wherein the steps which Government had taken or were taking to explain to the people the importance of General Elections through the Press, radio and films were outlined. These steps have been implemented through the media organisations of the Ministry within the sanctioned budget grant for the current financial year. Expenditure figures are not maintained according to items of publicity undertaken. It would, therefore, not be possible to arrive at a separate figure of expenditure by the Ministry on publicity in connection with the General Elections in the various units.

(b) A statement showing the additional temporary staff employed in the Press Information Bureau to cope with the additional work involved when polling began in various constituencies is laid on the Table of the House.

STATEMENT

*Additional Staff employed in each unit
Gazetted .*

1 Assistant Information Officer from
18th December 1951.

Non-Gazetted

4 Information Assistants—1 from 31st December 1951, 1 from 2nd January 1952, 1 from 7th January 1952 and 1 from 30th January 1952.

2 Stenographers—1 from 19th December 1951 and 1 from 1st January 1952.

2 Clerks Lower Division—1 from 19th December 1951 A.N. and 1 from 20th December 1951 A.N.

1 Gestetner Attendant—from 19th December 1951.

2 Duftries—1 from 21st December 1951 A.N. and 1 from 30th January 1952.

1 Peon—from 21st December 1951 A.N.

Shri Kamath: Is it a fact that in the last session of Parliament the Minister declared that the All India Radio would not be available for purposes of party propoganda during the elections, and in spite of this declaration and promise in this House is it a fact that the Congress President's speeches and activities were covered and broadcast by A.I.R. whereas those of the leaders of other parties went unnoticed?

Shri Diwakar: Does it arise out of this question?

Mr. Speaker: Not directly, but of course it does arise indirectly.

Shri Diwakar: So far as the promise was concerned, the promise was given and it was carried out, and the speeches referred to by the hon. Member were not covered as the speeches of the President of the Indian National Congress at all.

Mr. Speaker: I think we are going into a controversy about opinions.

Shri Kamath: I am not asking about opinion at all.

Mr. Speaker: He may ask about facts.

Shri Kamath: I shall ask about facts. Is it a fact that the speeches of the Congress President broadcast by the A.I.R., which the Minister said were not the speeches of the Congress President as such, did contain matter pertaining to elections and not the Prime Minister's or Governments policy?

Shri Diwakar: No such portion of his speech was broadcast by A.I.R.

सेठ गोविन्द दास : क्या यह बात सही नहीं है कि प्रधान मंत्री जी के भाषणों को जितना स्थान इस प्रचार में मिला उस से कहीं अधिक स्थान दूसरे दलों के नेताओं के भाषणों को जो कि समाचार के रूप में छपते थे, उनको मिला है ?

[Seth Govind Das: Is it not a fact that the speeches of the leaders of other parties which used to be published as news got a better place in A.I.R. broadcasts as compared with the speeches of the Prime Minister?]

श्री दिवाकर : समाचार के रूप में सब को स्थान मिला है।

[Shri Diwakar: All were covered as news.]

Shri R. Velayudham: May I know whether the speeches delivered by the Congress President at Congress Party meetings themselves were relayed through the All India Radio?

Shri Diwakar: They were never relayed. If at all any portions of his speech were broadcast they were part of the news.

Shri R. Velayudham: May I know whether it is a fact that when announcing the results of the various parties in the elections the names of other parties and the votes secured by the candidates of those parties were omitted while the votes secured by the Congress Party members were given by All India Radio?

Shri Diwakar: I think all parties were mentioned.

Mr. Speaker: I think we will better go to the next question.

LOANS

*220. **Prof. K. T. Shah:** Will the Minister of Finance be pleased to lay on the Table a statement showing:

(a) the total amount of loans raised in 1949-50, and in 1950-51, from (i) the International Bank for Reconstruction and Rehabilitation; (ii) the International Monetary Fund and (iii) the (British) Commonwealth of Nations; and

(b) what are the terms regarding interest and capital repayment for each of these loans?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). A statement giving the requisite information in respect of loans raised from the International Bank for Reconstruction and Development is placed on the Table

of the House. No loans were taken from the International Monetary Fund and the Commonwealth of Nations in 1949-50 and 1950-51. [See Appendix 1, annexure No. 45.]

Prof. K. T. Shah: May I ask whether the various projects for which different loans are said to have been incurred are in any way to serve as security for the repayment of capital and interest or whether the only security is the general credit of the country?

Shri C. D. Deshmukh: The latter is the case.

Prof. K. T. Shah: May I know whether the repayment is to be made by equal instalments, including capital and interest borne, or whether any period has been calculated according to the convenience of Government?

Shri C. D. Deshmukh: I think it is equal instalments.

Prof. K. T. Shah: Including both capital and interest?

Shri C. D. Deshmukh: That is always the case with equated instalments.

Prof. K. T. Shah: May I know whether any penalty is provided in the event of any instalment not being paid during any given year?

Shri C. D. Deshmukh: I should require notice of that question.

Prof. K. T. Shah: May I enquire in all how long will the repayment take and while any loan is current and not fully repaid is there any condition that we cannot raise any further loan either from the same body or anywhere else?

Shri C. D. Deshmukh: I have not got the actual Loan Agreement here and I should not like to rely on my memory.

Prof. K. T. Shah: In the second column of the statement provided to me, in each 'one it is said "originally sanctioned.....less cancelled". May I enquire what is the meaning of the word "cancelled"? Is it that we did not ask for the full amount and the amount was reduced or is it that it was paid off? I do not quite understand.

Shri C. D. Deshmukh: It means that our actual requirements were less than those estimated for the purpose of taking the loan.

Prof. K. T. Shah: Do I then understand that the original figure for which the loan was understood to be contracted was on examination found to be not necessary and before borrowing the amount was reduced?

Shri C. D. Deshmukh: That is right.

Shri Jnani Ram: May I know when the repayment would begin?

Shri C. D. Deshmukh: If the hon. Member would look at the statement he will find it in the sixth column.

Dr. Deshmukh: May I know whether there are any further demands to be made from any of these bodies for further loans and, if so, for what purposes?

Shri C. D. Deshmukh: Negotiations are in progress and there were some questions about it some time ago. We have suggested certain projects to the International Bank, and there are indications that some of them may commend themselves to them. There was a press conference, I think, taken by the President of the Bank, Mr. Eugene Black, before he left the country in which some mention was made of the total amount the Bank were considering.

Shri M. Naik: May I know the total amount of loans raised from indigenous sources during the corresponding period?

Shri C. D. Deshmukh: No foreign exchange loan can be raised from indigenous sources—I do not know if I have followed the hon. Member's question.

Shri M. Naik: I wanted to know the total amount of loans raised from indigenous sources—whether any loans were floated and to what extent they were subscribed to, internal loans I mean.

Shri C. D. Deshmukh: This refers to foreign loans, that is loans in foreign currency. The hon. Member is asking about internal loans which, I think, is a different issue.

Mr. Speaker: It does not arise.

Dr. Deshmukh: With regard to the total amount referred to, may I know what it comes to?

Shri C. D. Deshmukh: I believe they indicated something between sixty and seventy million dollars.

LOAN TO PRIVATE STUDENTS ABROAD

*221. **Shri S. C. Samanta:** Will the Minister of Education be pleased to state:

(a) the amount of loan granted and given to private students studying abroad in the years 1947 to 1951; and

(b) how many such students have applied for loan in the year 1952.

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): (a) The amount of loan sanctioned and paid during the years 1947 to 1951 under the Financial Assistance

Schemes administered by the Ministry of Education is as given below:

Calendar year	Amount sanctioned and paid
1947	Rs. Nil
1948	Rs. 23,333-5-4
1949	Rs. 61,692-3-0
1950	Rs. 172,078-1-0
1951	Rs. 24,850-8-8

(b) 14 upto 15th February 1952.

Shri S. C. Samanta: May I know what are the requirements which are considered in granting loans to those students?

Shri Satya Narayan Sinha: The scheme was introduced firstly to help those students who had gone abroad under the belief that they would be able to prosecute their studies with the help of their parents' finance but due to unforeseen circumstances the financial condition of the parents worsened and the students were stranded there financially. Therefore, in those cases where the students were of first-class merit, their cases were considered. Mainly this question arose after the partition of the country.

Shri S. C. Samanta: May I know whether the applications were received direct or through the Education Advisers of different Embassies?

Shri Satya Narayan Sinha: Yes. All these applications were invited through the different embassies concerned.

Shri S. C. Samanta: May I know the reason why a small sum has been granted in 1951 and whether the applications were not forthcoming?

Shri Satya Narayan Sinha: It all depended upon the number of applications in a particular year.

Shri R. Velayudhan: May I know whether the Government have stopped this partial assistance scheme that was in vogue before?

Shri Satya Narayan Sinha: I have stated it was in vogue this year also. How could the hon. Member know that it was stopped.

Shri R. Velayudhan: May I know whether the loans received by Scheduled Caste students studying abroad, when they came to India, were asked to pay back their loans, even though the Government had given it as a concession there?

Shri Satya Narayan Sinha: I would like to have notice of this question.

COMMITTEES FOR HIRAKUD PROJECT

*222. **Shri A. Joseph:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) the number of committees that have been appointed to investigate into the working of the Hirakud Dam project;

(b) the dates of appointment of the committees, their personnel, both officials and non-officials; and

(c) whether Government propose to place on the Table of the House the reports, if any, submitted by them?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) One.

(b) A statement giving the required information in respect of this Committee, is laid on the Table of the House. [See Appendix I, annexure No. 46.]

(c) The question will be considered after the Report has been received.

If you will please permit me I will add that the hon. Member may have in view another Committee that was appointed in January last which has nothing to do with the investigation of the working of the Hirakud Dam. That was appointed only to examine the revised project estimates.

Shri A. Joseph: In the statement are mentioned certain matters relating to this project and Government have asked the Committee to go and investigate. What are the particular things that you have given for the guidance of the Committee to go and investigate in the matter of the Hirakud Dam?

Shri Sri Prakasa: If the hon. Member wants to know the terms of reference, they are given in the Resolution of Government, dated the 9th November, 1951.

"The Committee will report to the Government within six weeks of commencing their work on the:—

(i) suitability and adequacy of the accounts organization and the mechanism of financial control prescribed for the project;

(ii) sufficiency or otherwise of the arrangements hitherto obtaining in so far as they relate to technical control over the execution of the project; and

(iii) reasons for the excess over the sanctioned estimates that has occurred in the construction of the Rail-Road bridge over the Mahanadi at Sambalpur."

Shri A. Joseph: May I know whether they will consider the reports from the public even before this Committee was appointed? Will those requests be examined by this Committee or by the Ministry itself?

Shri Sri Prakasa: The hon. Member will remember that there was a certain amount of criticism in the House regarding the working of the project and that is why this Committee was appointed. When some doubts arose as regards the interpretation of the terms of reference, the Committee was informed by the Ministry that they should go into any complaints against any person connected with the Project; and the report in this behalf will be carefully examined by this Ministry.

Shri A. Joseph: Before taking action, will the hon. Minister consult the Finance Ministry or the finance experts of our Government?

Shri Sri Prakasa: The Finance Minister sits on our head all the time.

Shri A. C. Guha: May I know if there has been any investigation into the past accounts of the whole project either by the Comptroller General or by the Government?

Shri Sri Prakasa: Doubts were expressed in this House and outside that the system of accounting there was not adequate and that is why this Committee has been appointed. There is the Accountant General there and there are other experts and we are awaiting the report of that Committee. We are expecting it within the next few days.

Mr. Speaker: The hon. Member wants to know whether the Government have conducted an examination of the past accounts.

Shri Sri Prakasa: This Committee will enquire into them also, if necessary.

Shri A. C. Guha: Is that Committee still working or has completed its work?

Shri Sri Prakasa: It has completed its work and it is writing its report. We are expecting the report in the next few days.

Shri Kamath: May I know whether any officers working on the Hirakud Dam Project were proceeded against for inefficiency or corruption during the last year or two and if so, how many and who were they?

Shri Sri Prakasa: Departmental action was taken against some and when the report of this Committee is received and if we find that anyone

is guilty, we shall take adequate action.

Shri Kamath: May I know against how many departmental action was taken?

Shri Sri Prakasa: Two, if my memory is correct. They were transferred from Hirakud.

Shri B. Das: May I enquire if the Financial Adviser and Accounts Officers are threatened by the Punjabee Engineers at Hirakud of their life and safety?

Mr. Speaker: The hon. Member is making very serious allegations.

Shri B. Das: I made it before and the hon. Minister knows this.

Mr. Speaker: Order, order. It is not proper to make allegations of that type against people who are not present here to defend themselves. Let the hon. Member contact the Minister privately and get the information.

Shri A. Joseph: There are many things which the Administrator of the Hirakud Dam had obtained without getting the permission of the Finance Department, even though the hon. Minister stated that the Finance Minister is sitting on their heads.

Shri Sri Prakasa: There is a representative of the Finance Department and he was not satisfied with many things that were going on there; and that is why he reported and this Committee has been appointed. The Finance Minister was always in the picture.

Shri A. Joseph: May I know if any action will be taken against those officers?

Shri Sri Prakasa: This is a problematic question. When the report is received, possibly the Finance Minister and whoever is in charge of the Ministry will sit together and decide what has got to be done.

Mr. Speaker: Let us go to the next question.

PAKISTAN'S DEBT TO INDIA

*224. **Dr. M. M. Das:** Will the Minister of Finance be pleased to state:

(a) the total amount of Pakistan's debt to India;

(b) how the debts were incurred by Pakistan and when;

(c) whether any reasons were assigned by Pakistan for the declaration of moratorium; and

(d) when the moratorium will come to an end and when Pakistan will begin to pay her debts?

The Minister of Finance (Shri C. D. Deshmukh): (a) The amount of the debt has not yet been determined.

(b) As a result of the partition, the assets and liabilities of the undivided Government of India had to be allocated between the two new States. As the Government of India accepted the initial liability for the public debt of the undivided Government of India, Pakistan's share of the net liability of the undivided Government will be a debt of that Government to the Government of India.

(c) The moratorium was agreed to after discussion between the two Governments as part of the partition arrangements.

(d) The first instalment of the partition debt falls due on the 15th August 1952.

Dr. M. M. Das: Am I to understand that our Government does not know what is the total amount that Pakistan has to pay?

Shri C. D. Deshmukh: That is right. Although it is now five years after the Partition, it has not been possible to work out the debt. I should like to mention the causes here. A number of reasons have contributed for this delay among which may be mentioned the delay in the closing of the pre-Partition accounts due to the disturbance of some of the Account offices and administrative dislocation, developments after the Partition such as movement of population which raised new problems of allocation of liabilities such as Postal Savings Banks, Cash Certificates, etc., then, the hold up, due mainly to the strained relations between the two countries, in the assessment of the large amount of Governmental property and stores not reflected in the public accounts and again actuarial determination of the pensionary liability. I should like to add that the question of provisional assessment of debt so that an 'On account' payment may be made when the first instalment falls due, has been taken up with the Pakistan Government. The final evaluation of the debt is bound to be a difficult and complicated process and no shortcuts are possible. In the parallel case of Burma, where administrative and other difficulties were wholly absent, it took some years after the separation to work out the final debt although considerable spare work had been done for years before.

Dr. M. M. Das: May I know the approximate date when these accounts

would be settled and the total amount of loan that Pakistan would have to pay?

Shri C. D. Deshmukh: It would be risky to mention any figure because even a provisional figure has to be determined after discussion and completion of accounts.

Dr. M. M. Das: May I know whether any loan in cash has been given to Pakistan after Partition?

Shri C. D. Deshmukh: No loan in cash has been given. But, the fifty crores of cash balance transferred to Pakistan after the Partition will form part of the debt.

Dr. M. M. Das: May I know whether India owes any debt to Pakistan?

Shri C. D. Deshmukh: No direct debt. Pakistan holds some Rupee balances in the Reserve Bank of India.

Shri A. C. Guha: I think there was a Committee formed—perhaps the Post-Partition Committee—to ascertain the assets and liabilities of both the Governments. Has that Committee finished its work or is it still going on?

Shri C. D. Deshmukh: The work of this Committee is going on very fitfully.

Shri A. C. Guha: What has been done about the pensions of private individuals? May I know whether the pensions are being paid or not?

Shri C. D. Deshmukh: Generally speaking, they are not being paid. I believe a few hard cases are met by exceptional action.

Dr. Pattabhi: May I know whether the transactions as between the two nationalities are of the nature of mutual running current account or whether the law of limitation is likely to apply to them?

Shri C. D. Deshmukh: The Agreement provides for a period of repayment so far as this particular debt is concerned. The remaining transactions are banking transactions as between two countries and there is no question of the law of limitation.

Shri A. C. Guha: The hon. Minister stated that the first instalment would be due from Pakistan some time in August this year. Has Government any indication whether this payment will be made in time or not?

Shri C. D. Deshmukh: We have communicated to them our desire that the officials should meet as soon as possible. I believe they have indicated some date probably within the next month or two.

सेठ गोबिन्द दास : अगस्त में जो पहली किस्त हमको पाकिस्तान सरकार से भिरकने वाली है वह अन्दाजन कितने रुपये की है और जो हमारा उसके ऊपर कुल पावना है उसका हिसाब कब तक बन जाने की आशा है ?

[Seth Govind Das: What is the estimated amount of the first instalment that we are to get from the Pakistan Government in August and when is the amount they owe to us expected to be determined?]

Mr. Speaker: I think the question was answered; however, he may answer.

श्री सी० डी० देशमुख : दूसरे सबाल का जवाब मैं नहीं दे सकता हूँ और पहले प्रश्न के सम्बन्ध में मैं यह कह सकता हूँ कि अन्दाज पत्रक में इसकी व्यवस्था की गई है।

[Shri C. D. Deshmukh: I cannot answer the second part of the question but I can say that provision has been made in the Estimates so far as the first part is concerned.]

सेठ गोबिन्द दास : वह रकम कितनी है ?

[Seth Govind Das: What is that amount?]

श्री सी० डी० देशमुख : जब अन्दाज पत्रक आपके सामने आ जायेगा तो सब कुछ मालूम हो जायेगा।

[Shri C. D. Deshmukh: Everything will be known when the Budget Estimates are put before the House.]

Shri Kamath: Judging by the attitude of the Pakistan Government as disclosed in the correspondence or talks with India as regards the first instalment due in August 1952, is there any apprehension that the period of Moratorium might have to be extended beyond August 1952?

Shri C. D. Deshmukh: There is no question of extending the Moratorium as such.

Mr. Speaker: That is a problematical question at this stage.

Dr. M. M. Das: May I know whether this loan includes also the loan that may exist between the two provincial Governments, for example, the East Bengal and West Bengal Governments?

Shri C. D. Deshmukh: No. Those are matters to be settled separately.

P.T.O. CONCESSION

*225. Shri Kunhiraman: Will the Minister of Home Affairs be pleased to refer to the reply to starred question No. 1088 asked on the 17th September, 1951, and state whether Government have now come to any decision regarding the restoration of the Privilege Ticket Order Concession, which was granted to Central Government Servants in June, 1948, and which was suspended in October, 1949 till the end of February, 1952?

The Minister of State for Home Affairs (Shri Sidhva): The question is under consideration and a decision is expected to be taken shortly.

Shri Kunhiraman: May I know whether the Railway Ministry has been consulted?

Shri Sidhva: The question has been before the Railway Ministry and it is being considered by the Finance Ministry. After we get their decision, a decision will be taken on the whole issue.

Shri R. Velayudham: May I know whether there is any special reason for stopping this concession?

Shri Sidhva: Financial stringency. This was granted in 1948. In 1949 it was stopped owing to financial stringency. It is being reviewed now.

Mr. Speaker: I think we may now go to the next question.

POSTS RESERVED FOR ANGLO-INDIANS

*226. Shri Massey: Will the Minister of Finance be pleased to state:

(a) the number of posts reserved for Anglo-Indians in each year from 1946 to 1951 in the Customs Department of his Ministry;

(b) the number of such posts filled by Anglo-Indians each year;

(c) the number of Anglo-Indians holding such class I posts during each of these years;

(d) the number of Anglo-Indians holding such class II posts during each of these years;

(e) the total number of Anglo-Indians in such service in each of these years;

(f) the highest post in such service held by the Anglo-Indian during the above period;

(g) the number of Anglo-Indians who have applied for appointment in such service during this period; and

(h) the number rejected?

The Minister of State for Finance (Shri Tyagi): (a) to (h). The information regarding the number of posts

reserved for and held by Anglo-Indians in the Customs Department during each of the years from 1946 to 1951 is not readily available. It is being collected and will be laid on the Table of the House in due course.

ANDAMANS ADMINISTRATION

*227. **Shri M. Naik:** (a) Will the Minister of Home Affairs be pleased to state how far the pronouncement of the Government to fill the posts in the Andamans with deserving local candidates has been implemented?

(b) How many posts of Gazetted rank are attached to the Andamans Administration and how many of them are held by the local men, if any?

The Minister of State for Home Affairs (Shri Sidhva): (a) I presume that the hon. Member is referring to clause (b) of the reply given by Shri Rajagopalachari to starred question No. 4286 on the 19th May, 1951. That continues to be the policy of Government.

(b) Forty-two gazetted posts are attached to the Andamans Administration. Two of these are at present held by local men.

Shri Kamath: What is the percentage of literacy among the local population of the Andamans?

Shri Sidhva: I have not got the percentage here. Government are doing their best by giving scholarships etc. to promote education in that part of the country.

TREASURY AND AUDIT

*228. **Dr. M. M. Das:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that Government are considering the recommendation of the Comptroller and Auditor-General for the separation of Treasury and Audit functions; and

(b) if so, whether any decision has been taken in this matter?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). The recommendation has been accepted in principle.

Dr. M. M. Das: May I know, whether any reason or reasons were given by the Auditor-General for his recommendation as to why he made that recommendation?

Shri C. D. Deshmukh: Well, because it is right that the authority which makes the payment should not be the authority that should audit the payment.

Dr. M. M. Das: May I know when Government expect to implement this recommendation?

Shri C. D. Deshmukh: We had decided to effect the change in regard to New Delhi where this arrangement still continues, from 1st April, 1952, but in view of the recent constitutional changes in the local administration, it is likely that the taking over will have to be deferred for some time.

Dr. M. M. Das: May I know the additional expenditure that will be involved in this separation of treasury and audit functions?

Shri C. D. Deshmukh: I would like to have notice of the question.

INDIA OFFICE LIBRARY

*229. **Shri Raj Kanwar:** Will the Minister of Education be pleased to refer to the reply given on 9th August 1951 to part (d) of my starred question No. 83, regarding India Office Library and state whether the information referred to therein has since been collected and can be supplied?

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): No. The required information is still being collected from the appropriate authority and will be placed on the Table of the House as soon as it is available.

Shri Raj Kanwar: Government must be aware that this question was taken up even prior to the transfer of power, on 15th August, 1947. In view of this fact, what is the earliest date by which this matter may be expected to be settled?

Shri Satya Narayan Sinha: The High Commissioner for India was requested on the 3rd September 1951 to supply the Government with the requisite information. The High Commissioner's office has now stated that the reply is still awaited from the U.K. Government. So I think it may take some time and I cannot exactly say when the information will be available.

Shri R. Velayudhan: Is there any library at all there?

Mr. Speaker: Order, order. I am afraid the hon. Member is entering into an argument.

FINANCE COMMISSION

*230. **Maulvi Wajed Ali:** Will the Minister of Finance be pleased to state:

(a) whether the Finance Commission has begun its work;

(b) whether the Commission is issuing any questionnaire and is examining any State or public witnesses;

(c) whether the Commission is visiting the States for investigation; and

(d) when the Commission is expected to finish its work and submit its report?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes.

(b) and (c). These are matters entirely for the Commission to decide. I understand they have issued a press communique inviting the views of the public on some of the issues they have to deal with and that they are likely to visit the States in due course.

(d) It is too early yet to give any reliable indication in the matter.

Maulvi Wajed Ali: May I know when the communique asking the public to submit memoranda was issued and what is the substance of that communique?

Shri C. D. Deshmukh: I am sorry I cannot say when exactly it was issued; it was not very recent. But the date by which they have asked for the information is the 10th April, 1952. I have a copy of the communique, but the date of it is not put in there.

Maulvi Wajed Ali: May I know the substance of the communique?

Mr. Speaker: The hon. Member may refer to the communique itself.

Shri Lakshmanan: May I know whether the case of those States which got the main bulk of their revenue from the central items are receiving special consideration at the hands of this commission?

Shri C. D. Deshmukh: That is a question which I cannot answer.

Shri Radhelal Vyas: What is the work that has so far been done by this Finance Commission?

Shri C. D. Deshmukh: They have submitted what was called an interim report in which they recommended that the present arrangement will continue till they give their final report.

Shri Alexander: Have all States submitted their interim reports?

Shri C. D. Deshmukh: Not the States. I said the Finance Commission.

KONAR DAM

*231. **Shri Jnani Ram:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether the time for the completion of the Konar Dam has been extended;

(b) if so, to what date; and

(c) the reasons for the postponement of the completion period?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) to (c). No. The time for the completion of the Konar Dam has not been extended, and the target still stands at the end of June, 1953.

Shri Jnani Ram: May I know whether this is part of the Bokharo thermal scheme?

Shri Sri Prakasa: Yes, it is, in so far as the part completion of the dam will ensure an adequate supply of water for the first generating unit at Bokharo by the middle of 1952.

Shri Jnani Ram: May I know when the Bokharo thermal plant will start to supply electricity?

Shri Sri Prakasa: I have not got all the facts here with me and so I am sorry I cannot give the exact date.

SALES TAX IN DELHI

*233. **Shri Jnani Ram:** Will the Minister of Finance be pleased to state:

(a) whether the arrangement for assessment of sales tax and registration of shops have been completed in Delhi;

(b) if so, the number of shops registered up to the 15th February, 1952; and

(c) the tax realized up to that date?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes.

(b) 12,451.

(c) The tax realised is Rs. 17,68,656, and this pertains to the period from 1st November to 31st December, 1951.

Shri Jnani Ram: May I know how the tax realised compares with the estimated figure?

Shri C. D. Deshmukh: For the budget we anticipated that the imposition of the tax will begin from a much earlier date and so the budget estimate was Rs. 1 crore for 1951-52, whereas the revised estimate for the whole year 1951-52 will be about Rs. 20 lakhs.

Shri Jnani Ram: May I know the reasons why the tax collection was less?

Shri C. D. Deshmukh: Various administrative difficulties.

Shri M. Naik: May I know whether unregistered shops are entitled to recover the tax from the consumers?

Shri C. D. Deshmukh: The tax is recovered from the dealers and they make their own arrangements for passing it on to the customers.

Mr. Speaker: But presumably he means that for the purpose of this tax some dealers are registered and some are not registered?

Shri M. Naik: Yes, Sir. Some shops are not registered and I want to know whether they can also charge sales tax from the customers?

Shri C. D. Deshmukh: Those who are below a certain exemption limit are not registered.

Shri M. Naik: What is this exemption limit?

Shri C. D. Deshmukh: In respect of those who are producers and manufacturers or importers it is Rs. 10,000 and in other cases it is Rs. 30,000.

Shri R. Velayudhan: May I know whether the hon. Minister is aware that many shops which are not registered are realising sales tax from the consumers?

Shri C. D. Deshmukh: I am not aware. I will enquire into the complaint.

सेना द्वारा कब्जे में रखी गई जमीनों

*२३४. श्री ओराँच : क्या रक्षा

मंत्री सदन पटल पर एक विवरण रखने की कृपा करेंगे जिस में रांची जिले के उन ग्रामों के नाम दिए गये हों जहाँ की निजी जमीनों सेना के कब्जे में हैं ?

(क) क्या वह जमीनों स्थायी रूप से सेना के कब्जे में रहेंगी अथवा छोड़ दी जायेंगी ?

(ग) यदि छोड़ दी जायेंगी तो सेना द्वारा इन्हें छोड़ने की कब तक आशा की जा सकती है ?

LANDS OCCUPIED BY MILITARY

[*234. **Shri Oraon:** (a) Will the Minister of Defence be pleased to lay on the Table a statement showing the villages in the Ranchi District where private lands are in the occupation of the Military?

(b) Are those lands to be permanently occupied by the Military, or are they to be given up?

(c) If they are to be given up, when is the Military expected to do so?]

The Minister of Defence (Sardar Baldev Singh): (a) I lay a statement on the Table of the House.

(b) and (c). The requirements are reviewed from time to time and lands found surplus are released. An area of about 332 acres is shortly being released. [See Appendix I, annexure No. 47.]

श्री ओराँच : जो जमीन अभी तक मिलिटरी के कब्जे में है वह जमीन क्या बराबर मिलिटरी के कब्जे में रखी जा सकती है ?

[**Shri Oraon:** Can the lands that are under the military occupation at present be kept as such?]

सरदार बलदेव सिंह : अभी तो इस बात का फैसला नहीं हुआ कि कितनी जमीन मिलिटरी के पास रखी जायगी, लेकिन जो कुछ भी जमीन हमारे पास है, उस में से ३३२ एकड़ हम जल्द ही छोड़नेवाले हैं।

[**Sardar Baldev Singh:** It has not yet been decided as to what area of land will remain with the military but we are shortly releasing 332 acres out of that land.]

श्री ओराँच : जो जमीन छोड़ दी गई है उस जमीन के मालिकों को नोटिस दी गई है या नहीं ?

[**Shri Oraon:** Were notices given or not to the owners of lands that have been released?]

सरदार बलदेव सिंह : जी हाँ, जो जमीन छोड़ी जाती है उसके मालिकों को नोटिस दी जाती है।

[**Sardar Baldev Singh:** Yes, notices are given to the owners of lands that are released.]

Shri J. N. Hazarika: What is the purpose for which the military keep this land? Is it for the purpose of the "Grow-More-Food" Campaign?

Sardar Baldev Singh: No. These lands are not for "Grow More Food" campaign. They were acquired during the last war. They are for military installations and whatever is surplus is used for G.M.F. campaign.

Shri M. Naik: May I know whether these lands were acquired?

Sardar Baldev Singh: They are mostly acquired and they are requisitioned also.

HARNESSING GODAVARI AND KRISHNA

*235. **Shri P. Kodanda Ramiah:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether it is a fact that an expert committee of Engineers has been appointed for harnessing the Godavari and Krishna waters?

(b) If so, who are the members of that Committee?

(c) What are the terms of reference?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) Yes. A committee has been appointed for conducting a technical enquiry as to the best and most economical manner of utilising the waters of the Krishna and Godavari.

(b) (1) **Shri A. N. Khosla, I.S.E.,** Chairman, Central Water and Power Commission—Chairman.

(2) **Shri Moti Ram, I.S.E.,** Chief Engineer, Irrigation, Uttar Pradesh—Member.

(3) **Shri G. R. Garg, Director, Irrigation, Central Water and Power Commission—Member-Secretary.**

(c) The terms of reference of the Committee are:

(i) how the waters of these rivers can be used to the best advantage, and recommend for inclusion in part II of the Five-Year Plan, a Project which would bring about extension of Irrigation facilities to as large an area as possible on the most economic basis which can be completed in a reasonable time.

(ii) whether there will be sufficient waters left for the needs of the Godavari and Krishna deltas after the utilisation proposed under the Krishna-Pennar Project.

(iii) whether the Krishna-Pennar Project is technically sound and economically a better proposition than other schemes considered, and whether, having regard to the urgent need for increased food supply, especially of rice this Project should be included in Part II of the Five-Year Plan; and

(iv) whether it can be completed within 3 to 4 years if funds can be provided.

Shri P. Kodanda Ramiah: May I know whether the Madras Government

have submitted any of their river valley schemes for the consideration of this Committee?

Shri Sri Prakasa: There seems to have been some difference of opinion between the various parties of Madras State. There seems to be some difference between the Andhra and Tamil members and therefore this Committee has been appointed in order to discuss the merits of the various proposals.

Shri P. Kodanda Ramiah: May I know some of the important schemes that have to be investigated by this Committee in the Madras State.

Shri Sri Prakasa: This Committee is still at its work. The Committee has taken evidence in Delhi and is now carrying on its work in Madras itself. We are expecting a report soon and then we shall know what is to be done.

Shri V. Gangaraju: Will the hon. Minister state whether the Ramapadasagar Project scheme has been submitted by the Madras State Government to the Government of India?

Shri Sri Prakasa: I do not think that that particular scheme is within the purview of this Committee.

Shri V. Gangaraju: May I know whether the Krishna-Pennar Project scheme is being submitted to the Government of India by the Madras State?

Shri Sri Prakasa: So far as my paper shows, a large number of projects was presented and at one time between the Andhra and Tamil Ministers there was unanimity of opinion and that is how this particular project—Krishna-Pennar Project—came before us. As there have been various criticisms and conflicting opinions, we, with the approval of the Planning Commission appointed this particular Expert Committee.

Shri P. Kodanda Ramiah: Is it a fact that this Committee is mainly constituted for the investigation of the Krishna-Pennar Project and also to prepare a scheme to divert the Godavari waters to unresourceful Krishna-Pennar project?

Shri Sri Prakasa: I have had to deal with this problem for some time past and therefore even if I have not heard all the words of my hon. Member, I can catch his meaning. I have a map before me which gives the various schemes and this Committee is going to discuss the practicability of these various schemes.

VISITS TO FOREIGN COUNTRIES

*236. **Babu Gopinath Singh:** Will the Minister of Finance be pleased to state:

(a) the number of (i) officials; (ii) Ministers and (iii) Members of Parliament of India, who have visited foreign countries at State expense during the year 1951;

(b) the purpose for which they were deputed; and

(c) the total expenditure incurred by the Government of India on their travels abroad?

The Minister of State for Finance (Shri Tyagi): (a) to (c). The required information regarding the number of officials etc. who have visited foreign countries at State expense during 1951, the purpose of their deputation and the total expenditure on such visits is being collected and will be placed on the Table of the House, as soon as possible.

Babu Gopinath Singh: May I know which of these delegations were successful and may I know which of them failed?

Shri Tyagi: I have submitted that the information is being collected.

Babu Gopinath Singh: May I know if it is possible for the Government to place the reports of these delegations on the Table of the House?

Shri Tyagi: If the hon. Member wants the report of all delegations it will be too bulky a document. If the hon. Member is anxious to know about any particular delegation I would oblige the Member.

ORDNANCE EMPLOYEES

*237. **Babu Gopinath Singh:** Will the Minister of Defence be pleased to state when Government expect the report of the Kalyanwala Committee regarding the grievances of ordnance employees to be completed?

The Minister of Defence (Sardar Baldev Singh): The work of the Committee has been interrupted by the death of Mr. Kalyanwala, the Chairman of the Committee. Whether a new Chairman should be appointed, or the remaining Members should finalise their recommendations, is being considered in consultation with the Labour Federations. If it is decided to appoint a Chairman, the Committee will take a little longer to submit its report. As, however, the greater part of the inquiry is already completed, it is not expected that the Committee will take more than five to six months after the new Chairman is appointed. If a new Chairman is not appointed

and the remaining members carry on the work, the report may reach Government a month or two earlier.

Babu Gopinath Singh: Is it a fact that the Chairman of the Committee died a long time ago and the Government have failed to appoint any successor hitherto?

Sardar Baldev Singh: It is a fact that the Chairman of the Committee died some time ago but before we take a decision as to whether a new Chairman is required or not, we have to consult the Labour Federations, and that is now going on. As soon as it is completed, Government will take decision at that time.

Shri R. Velayudhan: May I know how many times this Committee met since its inception?

Sardar Baldev Singh: I have not got the details but if the hon. Member requires the information as to how many times the Committee met, I shall require notice to answer it.

Shri R. Velayudhan: May I know the terms of reference of this Committee and may I know if in spite of the terms of reference of this Committee the Ordnance employees are still being retrenched?

Sardar Baldev Singh: The terms of reference of this Committee were placed on the Table of this House. I speak subject to correction. But if the hon. Member is anxious to know the details of the terms of reference, I have a copy and can give the same to him. As regards the reduction, there is always reduction and recruitment going on in Ordnance Factories.

Shri R. Velayudhan: May I know whether even disregarding the services of the employees even senior employees are retrenched whereas juniors are kept?

Mr. Speaker: The hon. Member is arguing.

Shri Harihar Nath Shastri: Is it a fact that the Federations concerned have expressed the view that a new Chairman for the Committee should be appointed and if so, how long do Government propose to take to fix up a Chairman?

Sardar Baldev Singh: We have received replies from two Federations and the reply from the third Federation is still to come. As soon as that comes, Government will be in a position to take the decision.

JEEPS

*238. **Shri Kamath:** Will the Minister of Defence be pleased to refer to the answer to my starred question No. 92 asked on the 9th August, 1951 regarding the supply of jeeps by a firm in the United Kingdom, and state whether any jeeps have since arrived in India; and if so, how many?

The Minister of Defence (Sardar Baldev Singh): So far 24 jeeps have arrived in India, one has been kept in Brussels as a model for further supplies, another 25 have been shipped and the firm have intimated that 25 vehicles are to be put up for inspection.

Shri Kamath: Is it not a fact, that the delivery of these jeeps was to have commenced, according to the terms of this contract, three months from the date of the agreement and the delivery was to continue at a fixed rate of so many jeeps per month and, if so, has the penalty clause in the agreement been invoked or brought into operation for non-performance of the contract?

Sardar Baldev Singh: The deliveries under this contract were to commence from July 1951. Then there was a conference about the future supplies, whether they should be at the old rates, that is 68 per month, but the firm insisted that due to circumstances beyond their control they wanted to modify it as far as deliveries are concerned. The number suggested by them was twelve per month but they gave the assurance that the final delivery period will be adhered to, that is September, 1952. According to their new suggestion the deliveries are short by 9.

Shri Kamath: Is it a fact that the British firm has recently informed Government that further supplies of jeeps might have to be suspended or stopped due to rise in international market rates?

Sardar Baldev Singh: I have no definite information but the new delivery arrangements are being discussed by our High Commissioner.

Shri Kamath: Has the new firm, that is the S.C.K. Agency Ltd., which has taken over the entire liability for Rs. 28 lakhs or so, from the old firm Antimistant, entered into any talks with our High Commissioner recently on this subject?

Sardar Baldev Singh: As I have stated, we have not got any definite information, there was a communication from the U.K. High Commissioner that negotiations for regular deliveries in future are being carried on, but I

have not heard anything definite on this subject.

Shri Jhunjhunwala: Are the jeeps supplied according to the specifications of the contract?

Sardar Baldev Singh: Yes.

Pandit Thakur Das Bhargava: What is the new price?

Sardar Baldev Singh: The price is the same. I gave it in the last session—I have not got it with me just now.

Shri R. Velayudhan: May I know whether the Indian Stores Purchase Mission in London has anything to do with this purchase or the matter is left to the High Commissioner?

Sardar Baldev Singh: This contract was made by the Director-General, Indian Stores Department.

Shri Kamath: How many jeeps in all have yet to be supplied and by what date? What is the last date?

Sardar Baldev Singh: The last date for all the supplies is September, 1952. Out of the total number 24 have been received, 25 have been shipped and 25 are being put up for inspection.

FLAGS OF FOREIGN GOVERNMENTS

*239. **Shri Venkataraman:** (a) Will the Minister of Home Affairs be pleased to state whether the attention of Government has been drawn to the judgment of the Madras High Court deprecating the use of flags of foreign Governments in India and suggesting suitable legislation penalising the use of such flags?

(b) If so, what action do Government propose to take in this behalf?

The Minister of State for Home Affairs (Shri Sidhva): (a) Yes, I have seen a Press report to this effect.

(b) Government will consider what action, if any is necessary, after seeing the full judgment of which a copy has been sent for.

Shri Venkataraman: May I ask whether it is a fact that the use of these rival flags is itself a source of irritation and trouble among rival groups?

Shri Sidhva: That is a different matter. May be so.

Shri Venkataraman: Is it not a fact that the foreign Governments whose flags are used in this country are representing certain ideologies of different groups and the flags are used only for the purpose of displaying the differences in ideology?

Shri Sidhva: That may be so.

Shri Venkataraman: May I ask whether it is not a fact that in the judgment which the hon. Minister just now stated he has perused the attention of the Government has been drawn to the fact that with a view to curb this constant source of irritation and trouble the use of foreign flags should be prevented by legislation?

The Minister of Home Affairs and Law (Dr. Katju): May I, Sir, add that of the two Judges who heard this matter one learned Judge delivered certain dicta and the other learned Judge has completely dissociated himself from those dicta on the ground that they were utterly irrelevant to the case before them. That is the situation at the present moment. We are waiting for a certified copy of the judgment and we shall consider the whole case in the light of the observations.

Shri R. Velayudhan: Is it not a fact.....

Mr. Speaker: Order, order. It is an obiter dicta by one of the Judges of the High Court. The matter is under consideration, one need not advance further arguments.

Shri Kamath: Have, Sir, any reports reached Government that during the general election the Pakistan flag or pin-up flags were used by Muslim League volunteers?

Mr. Speaker: It does not arise from this question.

ARTICLE 72 OF THE CONSTITUTION

*223. **Shri Jnani Ram** (on behalf of **Shri S. N. Das**): Will the Minister of Home Affairs be pleased to state:

(a) the number of cases in which the President has been pleased under clauses (b) and (c) of Article 72 of the Constitution to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentences of persons convicted of any offence, during 1951 giving separate figures for each category; and

(b) the number of such cases still pending for consideration?

The Minister of State for Home Affairs (Shri Sidhva): (a) There were 218 petitions for mercy. Of these, the President commuted the sentence to transportation for life in 87 cases and

to ten years rigorous imprisonment in one case.

(b) No orders have been passed in 11 cases—in 10 cases because the parties concerned filed petitions for special leave to appeal to the Supreme Court after submitting mercy petitions, and in one case because the condemned prisoner has escaped from custody.

Shri R. Velayudhan: May I know whether any cases of political prisoners were involved in those petitions?

Shri Sidhva: I do not think so.

Mr. Speaker: The question list is over.

WRITTEN ANSWERS TO QUESTIONS

JUDGES FOR NAGPUR HIGH COURT

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

(a) whether the maximum number of judges for the Nagpur High Court has been fixed;

(b) if so, whether it is proposed to appoint any more judges so as to bring the number to the maximum fixed; and

(c) by what date?

The Minister of State for Home Affairs (Shri Sidhva): (a) Yes: the maximum strength is 10 including the Chief Justice.

(b) and (c). A proposal to this effect has been received from the Madhya Pradesh Government and is under examination.

WARRANTS AGAINST ELECTED PERSONS

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

(a) whether it is a fact that in some Centrally Administered Areas warrants pending against those recently elected but who are underground have not been withdrawn;

(b) if so, how many; and

(c) the reasons why those warrants have not been withdrawn?

The Minister of State for Home Affairs (Shri Sidhva): (a) to (c). Three warrants are outstanding in Tripura against persons recently elected to the local Electoral College. The persons concerned are those who are still preaching the overthrow of Government by force.



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME I, 1952



(5th February, 1952 to 29th February, 1952)

Fifth Session

of the

PARLIAMENT OF INDIA

1952

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CORRIGENDA

to

the Parliamentary Debates (Part II—Other than Questions and Answers), Fifth Session, 1952

In Volume I,—

1. No. 2, dated the 6th February, 1952,—

(i) Col. 23, line 33 for "to provide for" read "further to amend", and in line 2 from bottom for "further to amend" read "to provide for".

2. No. 5, dated the 12th February, 1952,—

(i) Col. 309, for existing last line read "chancellories or in government, but"

(ii) Col. 362, line 31 for "Kamth" read "Kamath".

3. No. 6, dated the 13th February, 1952,—

(i) भाग ३९१, पंक्ति १५ में "एम जुनही" के स्थान पर "जुल्म नहीं" पढ़ें ।

(ii) भाग ३९२, पंक्ति २५ में "बतक" के स्थान पर "बक्त" पढ़ें ।

(iii) Col. 443, line 8 for "ony" read "only".

(iv) کالم ۳۷۲ آخری لائن کے شروع میں وہ ملی ہیں ان کے متعلق یہ پڑھیں —

(v) Col. 529, for existing last line read "excess of such moisture as may reasonably be expected, by watering the".

(vi) Col. 530, insert "both parties are protected. They pro—" as last line.

4. No. 8, dated the 15th February, 1952,—

(i) Col. 648, after line 7, insert "this demand has come before the House today, that".

(ii) Col. 658, line 32 for "OUTLAY" read "OUTSIDE".

(iii) Col. 659, line 6 from bottom for "Jagivan Ram" read "Jagjivan Ram"

(iv) Col. 676, last line for "liament" read "Parliament".

(v) Col. 686, line 16 from bottom for "Gapalaswami" read "Gopalaswami".

5. No. 9, dated the 18th February, 1952,—

(i) भाग ८०३, नीचे से पंक्ति ४ में "जचित राम" के स्थान पर "अचित राम" पढ़ें ।

6. No. 11, dated the 20th February, 1952,—

(i) भाग १००७, पंक्ति ९ को "की जरूरत है" पढ़ें ।

7. No. 14, dated the 23rd February, 1952,—

(i) Col. 1184, line 8 for "Jagivan Ram" read "Jagjivan Ram".

(ii) Col. 1191, for existing line 4 read "Clause 6 —Contributions and matters".

(iii) भाग १२२७, पंक्ति १० में "यस्य" के स्थान पर "सत्तम" पढ़ें ।

8. No. 15, dated the 25th February, 1952,—

(i) भाग १२५४, पंक्ति २४ में "रती" के स्थान पर "तीर" पढ़ें ।

9. No. 19, dated the 29th February, 1952,—

(i) Col. 1564, in the beginning of line 17 from bottom insert "voted".

(ii) Col. 1612, line 3 from bottom for "purpose" read "propose".

(iii) भाग १६२४, पंक्ति ५ में "सउन" के स्थान पर "उस ने" पढ़ें ।

THE
PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

1281

PARLIAMENT OF INDIA

Tuesday, 26th February, 1952

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

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

10-28 A.M.

PAPERS LAID ON THE TABLE

FIRST AND SECOND REPORTS OF PUBLIC
ACCOUNTS COMMITTEE ON APPROPRIATION
ACCOUNTS, 1948-49

Shri B. Das (Orissa): I beg to lay on the Table a copy of the following:

(1) First Report of the Public Accounts Committee on the Appropriation Accounts (Civil) and (Posts and Telegraphs) of 1948-49 and unfinished Accounts (Civil) of 1947-48 (post-partition).

(2) Second Report of the Public Accounts Committee on the Appropriation Accounts (Defence Services) and (Railways) of 1948-49.

[Placed in Library. See No. IV.O.O.(60)]

NOTIFICATIONS UNDER CENTRAL EXCISES
AND SALT ACT.

The Minister of Finance (Shri C. D. Deshmukh): I beg to lay on the Table a copy of each of the following notifications in accordance with Section 38 of the Central Excises and Salt Act, 1944:

(1) Central Excises Notification No. 29, dated the 15th September, 1951.

(2) Central Excises Notification No. 30, dated the 22nd September, 1951.

(3) Central Excises Notification No. 31, dated the 29th September, 1951.

(4) Central Excises Notification No. 33, dated the 10th November, 1951.

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(5) Central Excises Notification No. 34, dated the 17th November, 1951.

(6) Central Excises Notification No. 35, dated the 8th December, 1951.

(7) Central Excises Notification No. 1, dated the 28th January, 1952.

(8) Central Excises Notification No. 2, dated the 9th February, 1952.

[Placed in Library. See No. P-266/52.]

RAILWAY BUDGET, 1952-53

DEMANDS FOR GRANTS ON ACCOUNT

Mr. Speaker: I may state that the time will be from now upto 12 Noon. The guillotine will be applied at 12 noon and all the Demands for Grants will be voted at that time.

Shri B. Das (Orissa): I wish to draw your attention to the fact that yesterday the Chairman told us that we would sit in the afternoon also, from three to five. If we are sitting from 9-30 to one and again if we are going to sit in the afternoon also, the beginning time in the morning must be advanced and we may sit at ten or even at 10-45 as usual.

Mr. Speaker: That will lead to nothing practically. The idea was to have more time with a view to seeing that we terminate the session on 5th March at the latest. The other remedy is that Members need not take time in discussing matters. They can be very short.

Shri B. Das: I suggest we might sit from ten to 1-30 and again in the afternoon, instead of from 9-30 to one and again in the afternoon.

Mr. Speaker: Any time that is being taken up in this discussion will be subtracted from the total time allotted for the Demands.

Shri Kamath (Madhya Pradesh): Since we have this discussion on the Demands for Grants during the Vote

[Shri Kamath]

on Account, we may go on till one o'clock.

Mr. Speaker: The hon. Member will see that there is a lot of other legislative business. Yesterday, I explained that although the matter of the Budget is important, during the present session it is more or less and comparatively an insignificant matter, because the whole thing will be placed before the new Parliament which will discuss everything threadbare.

Shri Venkataraman (Madras): I want to raise a point of order. Is a cut motion permissible during the Vote on Account? This is the first time that we are being called upon to consider a Vote on Account. We have very little time within which to discuss even a single cut motion. I want to know therefore whether during a Vote on Account, cut motions should be permitted. The regular procedure is to be followed only during the passing of the Demands for Grants in a Budget, but not in the case of a Vote on Account.

Mr. Speaker: I do not know the hon. Member's reasons. My attention is invited to rule 136:

"(1) A motion for Vote on Account shall state the total sum required, and the various amounts needed for each Ministry, Department or item of expenditure which compose that sum shall be stated in a schedule appended to the motion.

(2) Amendments may be moved for the reduction of the whole grant or for the reduction or omission of the items whereof the grant is composed."

Shri Venkataraman: That is exactly my point. I think you should have a motion saying that the whole amount should not be granted. I feel that cut motions of this sort, on which people desire to discuss policy or raise particular points, cannot be moved during a Vote on Account. That is my suggestion.

Mr. Speaker: I do not see why there should not be any cut motions. I think the procedure has to be the same whether you have a vote for the Budget or a Vote on Account. An hon. Member is always entitled to invite the attention of the Government to matters of policy and also ventilate his grievances. He can do so either during the general discussion or through cut motions. I do not see why there should be a distinction between the two. Of course, the time

factor is there but that does not mean that the fundamental right should be taken away. That is my reaction.

Shri Venkataraman: Excuse me, Sir. Sub-rule (2) of rule 136 states:

"Amendments may be moved for the reduction of the whole grant or for the reduction or omission of the items whereof the grant is composed."

I therefore suggest that a cut motion to discuss a matter of policy is not contemplated under this sub-rule.

Mr. Speaker: I shall have to study the point more carefully. I have not applied my mind to it. It is better, I think, that an hon. Member gets an opportunity rather than that he should be shut out. But then, I would request hon. Members to be very short. I propose the procedure of taking each Grant first and then the cut motions. Hon. Members will remember the time at their disposal and therefore I would like to take only those Demands separately which are important and in respect of which cut motions are desired to be moved. May I know which of the Demands hon. Members would like to be placed first?

Shri B. K. Das (West Bengal): No. 1—Railway Board.

Shri Kamath: No. 4.

Pandit Kunzru (Uttar Pradesh): Nos. 7 and 8.

Shri A. C. Guha (West Bengal): No. 5.

Shri Venkataraman: No. 15.

Shri M. Naik (Orissa): No. 18.

Shaikh Mohiuddin (Bihar): No. 6.

Shri Sivan Pillay (Travancore-Cochin): No. 3.

Mr. Speaker: In this way it seems I should put every Demand separately. If the number is so very large, I would go one by one and the guillotine will be applied at 12 o'clock.

Pandit Kunzru: In view of the interest that has been taken by the House, may I suggest that the time may be extended? If the House is interested in the matter, there is no reason why it should be prevented from discussing so important a subject simply because Government want to finish everything by the 5th March. We are not here to consult the convenience of Government and

enable it to pass a Bill every five minutes. We are here to discharge our duty. Whether we all shall be in the new Parliament or not, I respectfully request you to consider the matter from this point of view. We should not be in a hurry merely to enable the Government to finish the business as early as it would like to.

Mr. Speaker: I certainly agree with the principle that the House should not be in a hurry merely for the convenience of Government, but I should have thought that it is equally to the convenience of a large number of Members in view of the very short duration for which the House is functioning, that they should be free as early as possible. The hon. Member will see that first the programme was that Parliament would sit upto 25th February. The period has been extended. Such constant extensions upset the programmes of various people and after all, may I repeat, it is not necessary now in the present Parliament to take up much time. It has been discussing these policies for the last four years continuously.

Dr. Pattabhi (Madras): Without effect.

Mr. Speaker: Yes, without effect from each Member's point of view, but when the House gives its vote it seems that those who urge to the contrary are not able to convince the majority. That is a different proposition, however. If the hon. Member will look at the matter from the point of view I have put forward, he will appreciate that time also has some consideration and it is not solely for Government's convenience but it is equally for Members' convenience, if not more, that these limitations have to be placed. The hon. Member will also appreciate the principle that in matters of financial provision there has always been an attempt at placing time-limits. That is always so, because otherwise we may go on discussing the Budget for three months without deciding upon anything. This is the general aspect of the matter, but there is the further consideration that we have now adopted the Procedure of Vote on Account in order to enable Members to discuss fully all the items of the Budget. Again, the whole thing will come under examination more thoroughly in the new Parliament. Therefore, I really do not understand what difference it makes so long as a Member gets an opportunity of discussing the Budget, whether he gets it now or whether he gets it when the Budget comes up. That is how I look at the matter. If the hon. Members are very keen to have some extension of time.....

Dr. Fattabhi: I suppose the time spent in discussing this matter will be deducted from the total time allotted for the debate.

Mr. Speaker: Necessarily. Since there has been a request for some extension, perhaps we may extend the time by half an hour. The time will now be 12-30.

Shri Gautam (Uttar Pradesh): I have a suggestion to make, Sir. If during this discussion only routine work was taken up I would have agreed with you entirely. But there are certain questions of principle also. For example, if you take the Railways, there is the re-grouping. If we pass it now, the new Parliament which will be assembling after a few months will be told that this matter has already been decided by the previous Parliament and the re-grouping will be treated as a settled fact. Therefore, I would request you to take this item away and see that this re-grouping of railways is not treated as a settled fact. If this is done, other matters may be taken up and the time allowed to the House for this debate may be quite enough.

Shri R. K. Chaudhuri (Assam): We are discussing this subject of re-grouping at a meeting of the Central Advisory Council of Railways tomorrow. I, therefore, entirely agree with my hon. friend that this matter should not be discussed in this House today.

Mr. Speaker: That is a different matter. It raises different issues. In the ordinary course of things, a Vote on Account is merely passed as a matter of course, but here a peculiar situation has arisen because there are elections and there will shortly be a new set-up. That is why I am practically relaxing the rule about discussion.

As regards the other point nothing is settled. In a parliamentary democracy, if the majority wishes otherwise they can always ask the Government to revise its proposals. This is merely a provisional allotment for a certain time.

Shri Gautam: I am sorry I have not made my point clear. It is one thing to get a thing revised and quite another to settle and finalise it. Today the scheme of regrouping of railways is agitating the minds of all and I understand certain State Governments like the Government of Uttar Pradesh have raised strong objection to it. If within the course of an hour and a half of discussion, in which I do not know whether any Member from Uttar Pradesh will get a chance to

[Shri Gautam]

speak at all, this Parliament, were to finalise the scheme it will be very very difficult for the new Parliament to revise it. In the meantime so many developments might have taken place and Government may as well say that they have gone so far ahead with the implementation of the scheme that it is not possible for them to revise it. I would therefore request you to give a ruling that this matter should not be proceeded with and until the new Parliament finalises it, the Railway Board should not proceed with it. If this request is conceded to, the other matters are not of much importance and the time allotted to us may be quite enough.

The Minister of States, Transport and Railways (Shri Gopalswami): May I explain the position, Sir?

So far as the Budget is concerned, there is no provision entered in it for the regrouping of the different railways. That is a purely administrative reorganisation. The practice in the past has been that such proposals are placed before the Central Advisory Council and if it gives its approval to the regrouping we go forward with implementing the decision of the Central Advisory Council. At the present moment the only way in which this House could discuss the question of regrouping is on the question of general policy. There is no particular item in the Budget to which that discussion could be related.

DEMAND NO. 1—RAILWAY BOARD

Mr. Speaker: I shall now take the Demands in the order in which they are placed on the Order Paper, giving precedence to the selected Demands.

Motion is:

"That a sum not exceeding Rs. 11,00,000 be granted to the President, on account, out of the Consolidated Fund of India, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1953 in respect of 'Railway Board'."

There are a number of cut motions to this.

The Minister of State for Transport and Railways (Shri Santhanam): May I suggest that all the cut motions may be taken as moved, because of lack of time.

Mr. Speaker: I followed that procedure some time back, but I found that it creates more confusion and no

one point could be made out at all. If the House desires it, I have no objection. But I think the best procedure is, rather than huddling up all and sundry together and have practically no debate, it is better to concentrate on one or two important points of the cut motions and discuss them thoroughly. Therefore, I would prefer personally to take up the cut motions one by one.

Economy in Fuel and Stores

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

"That the demand for grant on account under the head 'Railway Board' be reduced by Rs. 100."

Private-owned railways

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

"That the demand for grant on account under the head 'Railway Board' be reduced by Rs. 100."

Inadequate supply of wagons

Shri B. K. Das: I beg to move:

"That the demand for grant on account under the head 'Railway Board' be reduced by Rs. 100."

Lower Gazetted Officers' Cadre

Shri Massey (West Bengal): I beg to move:

"That the demand for grant on account under the head 'Railway Board' be reduced by Rs. 100."

Inadequate supply of wagons

Shri Massey: I beg to move:

"That the demand for grant on account under the head 'Railway Board' be reduced by Rs. 100."

Inadequate supply of wagons for transporting goods to Assam

Shri J. N. Hazarika (Assam): I beg to move:

"That the demand for grant on account under the head 'Railway Board' be reduced by Rs. 100."

New Railway lines in Rajasthan

Shri Bhatt (Bombay): I beg to move:

"That the demand for grant on account under the head 'Railway Board' be reduced by Rs. 100."

Regrouping of Railways

Shri T. N. Singh (Uttar Pradesh): I beg to move:

"That the demand for grant on account under the head 'Railway Board' be reduced by Rs. 100."

Regrouping of E.I., B.N. and O.T. Railways

Shri S. C. Samanta (West Bengal): I beg to move:

"That the demand for grant on account under the head 'Railway Board' be reduced by Rs. 100."

Rail-cum-road bridge at Monihari

Shri Barman (West Bengal): I beg to move:

"That the demand for grant on account under the head 'Railway Board' be reduced by Rs. 100."

Increase in freight

Shri Jhunjhunwala (Bihar): I beg to move:

"That the demand for grant on account under the head 'Railway Board' be reduced by Rs. 100."

Unfair treatment of railway employees detained in connection with threatened railway strike.

Shri Kamath: I beg to move:

"That the demand for grant on account under the head 'Railway Board' be reduced by Rs. 100."

Lack of plan for rapid expansion

Dr. Deshmukh (Madhya Pradesh): I beg to move:

"That the demand for grant on account under the head 'Railway Board' be reduced by Rs. 100."

Mr. Speaker: All these cut motions are now before the House.

Shri A. C. Guha: In regard to stores, as I mentioned yesterday, I would like to know when Government will come to a decision about the management and the purchase of the stores. Does the Railway Board intend to set up a machinery of their own or are they going to continue the co-ordinated purchasing machinery of the Central Government? I would also like to know what improvements have been effected in the handling of the stores as a result of the recommendations of the Shroff Committee.

Then as regards fuel economy we have been told that a Committee has been set up. This has been a long-standing grievance of the House that there has been extravagance as regards fuel and stores. We would like to know when the Committee is likely to submit its report and how the Government is going to give effect to its recommendations.

Then as regards private-owned railways, on two or three previous occasions I have brought this matter before the House and even now I would like to urge upon the Government the necessity of taking over all those private-owned light railways. There are sixteen or seventeen of them and on all these railways the passengers experience the utmost difficulties almost in every matter. I have brought it to the notice of the House on a previous occasion that some of these railways even discriminate between persons while catering to the needs of the public. Some industries connected with the owners of these railways get preference over other industrialists, and I think last time the hon. Minister admitted that they had received complaints from one company in Chota-Nagpur area that that company had almost to stop its business because the private owner of the light railway of that area was intimately connected with a competitor firm of this company and the owner of that light railway was not giving proper transport facilities to this company.

Apart from that, the amenities to the passengers is also a matter to be looked after by the Government and I think it is time that Government adopt a definite policy as regards the taking over of these light railways. Government cannot now put forward the plea of paucity of funds. They have got enough funds and all these light railways should be taken over by Government.

I pointed out last year as well as this year also that in the Calcutta area these light railways have about half a dozen railway stations as the terminal stations which are away from and unconnected with the main stations. This adds to the trouble of the passengers who have to travel by these railways. Some of these stations are three miles or five miles off from Sealdah or from Howrah where these passengers have to go to take the regular train. This should not be allowed to continue. Calcutta should have either one or two railway terminal stations, either Howrah or Sealdah, and all these minor railway stations should be done away with. All these things can be done only by taking over these light railways by the Government.

Shri B. K. Das: My cut motion relates to the supply of wagons. In this connection I would like to point out that yesterday in reply to a question the hon. Minister stated that there is no over-all shortage of wagons. In the Explanatory Memorandum

[Shri B. K. Das]

dum supplied to us we read that "due to large-scale imports of foodgrains, shortage of wagons has again been experienced on some of the railways, particularly those serving the port towns". In paragraph 13 of the Memorandum it is stated: "We have not been able to carry the entire traffic that is offering particularly from the port towns. The figures of wagon loadings from 1st April to October 1951 show that we have loaded 4.8 per cent. more on B. G. and 7.7 per cent more on M.G. The additional transport provided after meeting the demands for movement of foodgrains has been available for carrying increased quantity of high rated traffic." From this we get an idea as to how the wagon supply position has been working. Our experience is that shortage of wagons has been felt in many places and not only in the port towns. I shall just cite an example, a matter which I took up with the General Manager of the B.N. Railway last year. In the Chakradharpur district, at Gidni and other stations from which a large quantity of fuel wood and various other forest products are moved to Calcutta for the needs of the many jute mills near about Calcutta, great scarcity of wagons has always been felt.

[SHRIMATI DURGABAI in the Chair]

After my report to the General Manager some improvement was effected for the time being, but I am informed that only about five wagons are being supplied monthly during the last few months. There is a large stock of perishable articles to be moved and although these articles are urgently needed for the consumers in Calcutta and the jute mills nearabout, these articles are not being moved resulting in great inconvenience to everyone.

I do not know why there is so much dearth of wagons in these places. I am citing this only as an example. I do not know where the bottle-neck lies. In his speech on the Budget for 1949-50 the hon. Minister stated that our wagon requirements per annum would be nearly 10,000, and I find from the figure supplied that there will be 8,250 wagons fabricated in the country by the end of the current financial year that is 1951-52 and the number of the new purchase would be 7,930 wagons. I should therefore think that we should not have any shortage of numbers. If that be the case I do not know what are the reasons for such inadequate supply of

wagons. From time to time these points have been raised and there has also been discussion about the bottle-necks that are preventing an adequate supply of wagons. I would request the hon. Minister to go into the matter and examine all those points. I would like to mention some points which to my mind seem to be the bottle-necks preventing an adequate supply of wagons.

The hon. Minister in his Budget speech of 1949-50 mentioned that there is need for increasing the line capacity and the yard capacity also. I do not know how exactly the matter stand now. I think if adequate steps are taken for providing more marshalling yards, the inadequate supply of wagons can be solved to a certain extent. I do not know whether the utilisation and release of wagons is also being properly looked into. The indents placed for the supply of wagons are sometimes cancelled or not fully availed of, and the release of wagons is delayed. To remedy these defects some steps were taken. One step that was taken was that the free time allowed for demurrage was reduced from nine to six hours. If these methods are tried to the fullest extent and if there is proper supervision over all these things, the remedy may be found out.

I would suggest that there should be an adequate extension of double tracks round about the main business centres. It may be that some work has been done in this direction nearabout some important stations like Delhi, Ahmedabad etc. But I think more ought to be done in this direction and double tracks should be constructed round about all the main business centres. Secondly, transshipment from broad gauge to meter gauge line and vice versa should be further improved by more skilful mechanised methods. Thirdly, as I have already pointed out, more marshalling yards should be provided at important commercial places. Fourthly, from indent to allotment and actual supply of wagons, stricter check and supervision should be exercised so that there may be full utilisation of wagons and cases of default should be severely dealt with. Shunting operations at intermediate stations also be so arranged that undue delay is not caused. These are some of the suggestions that I wish to place before the hon. Minister and I hope that the particular matter that I had mentioned may also be looked into, because when we find from the statement of the hon. Minister that our wagon position has improved so much

and as a matter of fact in actual operation we find that there is such a dearth of wagons, we simply wonder what is happening in actual work. I would request Government to take suitable action on my suggestions.

11 A.M.

Shri Massey. rose—

Mr. Chairman: There are many Demands to be discussed here and if the hon. Member could be as brief as possible, I think we will be able to discuss all the Demands; otherwise some of the Demands might have to be passed without a discussion at all.

Dr. Deshmukh: This is a general Demand and most of the Members who have given cut motions are covered by the list that you have before you. If we are permitted to refer to most of these items we want to refer to, I think in a discussion of one Demand, probably all that we have to say will be covered.

Mr. Chairman: But anyhow we have adopted that procedure that we should discuss all those demands specified.

Shri Massey: Yesterday, I raised the question of class II officers and my hon. friend said that he could not consider abolishing the Grade of class II officers, or give up direct recruitment into class I because class II officers will be too old and they will be losing initiative and that they will lack energy. Today I want to raise the question of promotion and confirmation. We raised this question in the last Railway Budget and I do not know if my hon. friend is aware that even today there are class II officers who are acting in that grade on and off from nine years without confirmation. Is that not sufficient to cause frustration amongst this class of officers? There have been instances where these men have acted for nine years when you have not been able to get class I officers to take their places at the time they were originally promoted, now when you find the men, you revert them. Is this not exploiting this class of officers? I submit the whole question of promotions and confirmations needs looking into very very seriously.

I have just come from the South and I find that in the regrouping you have amalgamated the Mysore Railways with the Southern Railways. My point does not really refer to class II officers but it is a question of establishment which I want to bring to the notice of this House, namely, the promotion and seniority of these men. The junior scale officers on the Mysore

Railways who have been Gazetted Officers Class I for the last eight or nine years have now been reverted and have been made honorary officers class III and the excuse given is that the nine years spent in class I on the M.S. Railway is equated to class III on the Southern Railways. If you accept that that principle is right, then the same rule should apply to the senior officers who have gone beyond the junior scale into the senior scale. In these cases you have given credit for these nine years or as in the junior scale as equivalent to class I on the Southern Railway and you have superseded the most senior and capable men on the Southern Railway by giving these men top seniority. Is this fair? All the class II officers will be affected by this sort of arrangement. I ask the hon. Minister to set up an inquiry committee and go into this question. I do not ask you to abolish the question of direct recruitment of class I Officers, but to reduce the recruitment and promote these men as soon as you find them efficient and when vacancies exist and not keep them working for over nine years till you find suitable recruits to class I. There are senior officers, not only class II but Class I officers, junior administrative officers who would be prepared to take another job and are looking for jobs outside because they are fed up with the establishment section of the Railways. I hope my hon. friend will look into this question.

Then I come to the question of wagon supply. Yesterday, I raised the point of wagon supply and my hon. friend very quickly gave me the answer to look to the footnote. He said the gross ton-miles refer to the B. N. Railway etc. I am not concerned with that. I never raised the point of gross ton-miles. I raised the point of tons carried. I will show you that our statistics are not true and we cannot assess the real value of our wagon position from these figures. I will draw the attention of the hon. Minister to his own records. Page 134 of *Indian Railways* gives the total stock on the line as 146,693 broad gauge wagons. 10678 were under repairs and that leaves 136015 wagons available. He said that 16.1 tons were carried by each wagon. I will take it that the special type of wagons, even the wagons carrying smalls, carried 16.1 tons. What do we get? For all wagons on the line we get 72,206,502 tons carried, that is the maximum possible that you can carry on 10.5 turn round figure, with 16.1 tons per wagon. You cannot carry more than that. Well, in your *Indian Railways*, you give the figure of 92 millions or 20 millions

[Shri Massey]

tons over the maximum carrying capacity. How did you manage that? I do not know if my hon. friend can give me the answer.

Shri Santhanam: Is he including the smetre gauge also? 92 millions tons include both broad gauge and metre gauge.

Shri Massey: I am referring only to broad gauge. Your book is referring only to broad gauge and does not take the metre gauge into account; please do not confuse the issue.

Can the hon. Minister tell me how he carried 92 millions tons when your maximum carrying capacity is 72 millions tons, well if he cannot I will give him the answer. This is how it is done and how figures are inflated. I know more about these statistics than my hon. friend. I am prepared to challenge the Railway Board on this issue. The figure of 92 millions tons is arrived at in this manner. If a wagon is booked from Delhi to Madras with ten tons and travels through the E.I. Railway, B.N. Railway and M.S.M. Railway by the time it arrives in Madras the tonnage shown is 30 tons carried and not ten tons. This is how you are able to inflate these figures; they are not really true; they do not reflect the true position of the Railways. I say the figures I gave yesterday show that 20,000 wagons are standing idle and those wagons are not being utilized. The hon. Minister said that there is no shortage of wagons. I agree but why can you not supply the wagons? Why are you creating a black market? Why an artificial shortage? If there are wagons give it to them.

As regards coal wagons, there are so many types of control. Before the Railways can make an allotment of wagons, people have to apply to the Coal Transport Officer. If a close enquiry is made in this matter, you will find that while wagons are available, Railways cannot supply them because the Railway authorities have not the power to supply: they have got to refer to the Coal Transport Officer of the Coal Commissioner's Office and only when both parties agree can an allotment be made, and while all this humbug goes on, the people are waiting for wagons, wagons are waiting for loads and we in this House shout that there is no shortage of wagons.

The hon. Minister has said that our Rolling Stock is old and our wagons are old and therefore not in a fit condition. Go round into your sick lines

and you will find that 10,000 wagons are sick when about 6,000 were sick previously. Examine your position of wagons coming out of your workshops. They are not even fit to pass a junction station. You have the I.R.C.A. and if these people examine the wagons coming out of the workshops they would find that at least 70 per cent. of the wagons coming out of the workshops which are supposed to be thoroughly overhauled, would not be fit to pass a junction station. I would request the hon. Minister to set up a Committee to go into all these matters. You say that your officers are young and fresh. I notice from your reports that you are now asking retired, old directors to come on to these special committees. Well, make use of these men with experience, and, try and remove this national cry today wagons, wagons, wagons. I appeal to the hon. Minister to give that his consideration.

Shri J. N. Hazarika: The Assam Railway is the life-line of the States of Assam, Tripura, Manipur and the hill areas. But, owing to inadequate supply of wagons on this Railway, these States do not get an adequate supply of foodstuffs, and other essentials of life. They have been suffering for the last four years for want of these necessities of life. For all this suffering, the Railway Ministry is responsible because they have not supplied the wagons in sufficient numbers to this corner of the country. All the requirements of the people including wheat cloth, salt and other essentials have to be carried by rail because transshipment by steamer is not satisfactory. Inland water transport has not been safe since the Partition. The air-transport of these necessities has made these things very costly and when the prices in all the States are compared, I think the prices would be the highest in Assam because of the air transport. This Air transport has been necessitated because there have not been a sufficient number of wagons put on the railway. I would therefore request the hon. Minister of railways to supply more wagons to the Assam Railway so that the necessities of life may be transported by rail.

A word about regrouping of Railways. I ask myself whether it would not be expedient to postpone this amalgamation for some time and whether it is not necessary to enquire in detail and whether this amalgamation would be at all effective considered from all points of view. We have seen the large amount of agitation that this regrouping would be detrimental

to certain interests. Therefore, I would request the hon. Minister to postpone this regrouping for some time to go into detail.

We are told that the Assam Railway is a deficit Railway. Who is responsible for this state of affairs? Is not the Government responsible for this? Firstly, they have not supplied a sufficient number of wagons to transport goods and they have not attempted to make the railway system effected to carry passengers and goods. It is necessary to investigate into the essential defects of this system: Whether this Railway should be broad gauge or a metre gauge one, whether this Railway should be a double line or a single line railway etc. An enquiry committee should go into the question of how to make improvements in the working of the Railway and make it a healthy one like the others. One of the items on which this Railway is incurring loss is Administration. I have travelled much on this Railway and I have received a lot of complaints about ticketless travel from the public, and that the staff itself encourages it. I am told that the passengers do not purchase tickets at all, but simply rush into the train; but the booking staff sell tickets if they like. This is one of the ways in which loss is occurring. This should be put an end to.

Bridges should be constructed at Chakrihalli ghat and Manihari ghat over the Ganges, Pandu and Amin-gaon on the Brahma Putra, and also over the other small rivers if any. I hope, during the next five years Government would be able to undertake this work and bring the Assam Railway system in line with the Railway system in other parts of the country.

श्री भट्ट : मैं ४० नम्बर के मोशन पर बोल रहा हूँ और उस की मंशा यह है: 'नीज फ़ार ओपेनिंग न्यू रेलवे लाइन्स इन राजस्थान'।

माननीय मन्त्री जी को मालूम है और उन्होंने ने आश्वासन भी दिया है कई मसला हमारे यहां जो सब से बड़ी विकसित है वह यह है कि राजस्थान में जितनी रेल की सड़कें चाहियें उतनी नहीं हैं और दूसरी सड़कें भी नहीं हैं इस लिये यह बात जरूरी हो जाती है कि जो हिस्सा बिना सड़कों के है उस के विकास के लिये,

वहां विकास बहुत रीतियों से हो सकता है, वहां जंगल हैं, खाने हैं, आदमी वहां इस रीति से रहते हैं कि अगर वहां रेल को सड़कें हो जायें तो उन की तरक्की हो सकती है, और दूसरी बात यह है कि जैसे उदयपुर से हिम्मतनगर को लाइन बन जाती है तो लाखों आदमियों को एक प्रकार से सुविधा हो जाती, आने जाने में, बम्बई आने जाने में, अहमदाबाद आने जाने में और व्यापार भी बहुत बढ़ जाता। इसी सबब से पिछली राजस्थान सरकार ने सड़कें बनाने के लिये दो लाख सवें के लिये रक्खा था, परन्तु मालूम नहीं कब रेलवे ने वह चीज निकाल दी है। मेरे मित्र बलवन्त सिंह मेहता ने भी इस तरफ ध्यान आकर्षित किया था और मैं ने भी कहा था कि यह चीज जरूर रखनी जानी चाहिये, लेकिन कहा गया कि वहां पहाड़ होने की वजह से यह मुश्किल है। और इस चीज की बहुत जरूरत होते हुए भी हम उसे नहीं ले सकते हैं। मेरा कहना इतना ही है कि यह चीज मुश्किल है लेकिन अगर ऐसा मालूम होता है कि यह चीज लोगों की सुविधा की है तो हम इस चीज को क्यों न लें? कुछ कुछ तो इस का काम शुरू करें। हम ने पिछली मसला स्टैंडिंग फ़ाइनेन्स कमेटी में दक्षिण की एक नई रेलवे के लिये एक लाख रुपये की मंजूरी दी है। इस लिये दी है कि वह चीज जरूरी थी ऐसा हम महसूस करते थे और वह चीज बननी चाहिये। इसी तरह से, यह उदयपुर-हिम्मत नगर की लाइन है, वह भी उतनी ही जरूरी चीज है और मैं चाहता हूँ कि माननीय मन्त्री जी जरूर इस की ओर ध्यान दें और अगर इस साल के आरम्भ में वह नहीं कर सकें तो कम से कम अगले साल इस को जरूर शुरू कर दें।

[श्री भट्ट]

दूसरी बात है जंसलमेर-पोकरण की लाइन और फलोदी-श्री कोलायतजी की लाइन। अभी इस के बारे में रेलवे मिनिस्ट्री ने जो जवाब दिया है, जो स्पष्टीकरण दिया है उस में लिखा है

“These are entirely military requirements, and are in no way justified for economic or civilian purposes. If Government insist on these new lines, the Budgetary provision should be a special one and should not count against the funds being made available for Railways”.

लेकिन जो वह लिखते हैं उस से यह लगता है कि वहां कोई आदमी रहते ही नहीं हैं इस लिये सिविलियन परपेज (civilian purposes) के लिये इस लाइन की कोई जरूरत नहीं है। लेकिन वहां लाखों आदमी रहते हैं। हां जंसलमेर का जो एक बहुत बड़ा हिस्सा है उस के परिमाण में वहां की आबादी जरूर कम है, लेकिन तो भी वहां लाखों आदमी हैं जिन के ब्यापार के लिये एक नया केन्द्र खुल सकता है। और जगहों पर हम रेलवे और सड़कें इस लिये बना रहे हैं कि वहां सिर्फ सरकार को मुनाफ़ा हो। लेकिन मैं कहना चाहता हूँ कि लोगों की सुविधा का भी तो ख्याल करना चाहिये।

पंडित ठाकुर दास भागंब : वहां की पापुलेशन को रेलवे मिनिस्ट्री सिविलियन नहीं समझती।

श्री भट्ट : यह क्या बात है यह तो वह लोग खुद बतलायेंगे। लेकिन मेरा कहना इतना ही है कि वहां लोग रहते हैं। वहां रेलवे कादन होना सिविल पापुलेशन के लिये भी बहुत बुरी जड़ और मिलिटरी

के काम के लिये भी बहुत जरूरी है। जो रुपया मोटरों में खर्च होता है, पेट्रोल में खर्च होता है, इस के बजाय अगर यह एक सड़क बना दी जाती है तो न सिर्फ वहां की आबादी को फायदा पहुंचता है लेकिन जो हमारी पाकिस्तान से मिली हुई आठ सौ मील की सरहद है, उस सरहद की रक्षा करने के लिये भी यह बहुत जरूरी हो जाती है। तो मैं यह सिर्फ फ़ौजी दृष्टि से ही नहीं बल्कि वहां की आबादी को, जंसलमेर और बीकानेर दोनों जगह की आबादी को, फ़ायदा पहुंचाने के लिये और उन की तरक्की करने के लिये कहता हूँ।

चौथी लाइन जिस का मैं जिक्र कर रहा हूँ वह लाइन है रानीवाड़ा से भिलोड़ी की। आप को मालूम है कि बीसा से कांडला की लाइन हम ने नई बनानी शुरू की है, इस साल के आखीर तक वह लाइन पूरी हो जायेगी। यह बहुत आनन्द की बात है, लेकिन आप को मालूम है कि बीसा से भिलोड़ी तक और भिलोड़ी स्टेशन से रानीवाड़ा तक की लाइन बहुत कामकारी होगी। यह जरूर है कि यह पन्द्रह या बीस मील से ज्यादा नहीं है, फिर भी अगर इस को जोड़ दिया जाता है और इस से जोधपुर से लूनी तक की लाइन मिला दी जाती है तो कई घंटों का मुसाफ़िरों का सफ़र बच जाता है और रेल को भी मुनाफ़ा हो जाता है। जब रानीवाड़ा लाइन पूरी हो जायेगी तो जो जोधपुर और बीकानेर के रहने वाले हैं उन की बहुत आराम मिलेगा। यह महसूस जरूर कर लिया गया है। रेलवे मिनिस्ट्री वाले यह नहीं कहते हैं कि उन को ऐसा नहीं करना है लेकिन वह टाइम मांगते

हैं, जिस में कि मालूम हो जाये कि ट्रैफिक कितना है। लेकिन ट्रैफिक तो तब मालूम होगा जब वह चीज बनने लग जाये। मैं कह सकता हूँ कि वहाँ पर ट्रैफिक काफी होने वाला है, इस में कोई शक नहीं है। इस लिये रेलवे मिनिस्ट्री को चाहिये कि जो डीसा-कांडला लाइन वह शुरू करने वाली है, उसे भी इस में रख दिया जाये, जिस तरह से इस में गांधीग्राम और आदिपुर का जिक्र है। लेकिन चूँकि इस वक्त में राजस्थान की बात कर रहा हूँ इसलिये चाहता हूँ कि पहले भिलाड़ी-रानीवाड़ा का टुकड़ा हाथ में लिया जाय ताकि लोगों को सहूलियत हो सके। नहीं तो आज कल यह होता है कि जो रानीवाड़ा में रहनेवाले हैं, या जालौर भिन्नमाल के रहनेवाले हैं उनको लूनी, वाली मारवाड़ जंक्शन होते हुए पालनपुर और अहमदाबाद की तरफ जाना पड़ता है। इस नई लाइन के बन जाने से उन का कई घंटों का रास्ता बच जायेगा। मैं ऐसी आशा करता हूँ कि रेलवे अधिकारी तथा माननीय मन्त्री जी अवश्य इन चीजों की बरफ ध्यान देंगे।

(English translation of the above speech)

Shri Bhatt: I am speaking on Motion No. 40: 'Need for opening new Railway lines in Rajasthan.'

The hon. Minister is aware and has also mentioned it several times that the greatest difficulty in Rajasthan is that the area covered by the Railway tracks is very inadequate and roads are also insufficient in number. It therefore becomes necessary to lay railway lines where roads are absent. The development of railway system in that area which consists of forests and mines would bring prosperity to the people that live there. Moreover, construction of a line, say from Udaipur to Himmatnagar would greatly benefit lakhs of travelling public. It would very much facilitate travelling to and from Bombay and Ahmedabad and would encourage trade. Just for

that reason the former Rajasthan Government had earmarked a sum of Rs. two lakhs for survey work but I do not know when did the Railway put it off. My hon. friend Shri Baiwant Sinha Mehta and I myself had urged the Government that that work must be done but it was said that the work was difficult due to the track being hilly and they could not do it in spite of its urgency. I can imagine the difficulty but when it is a thing for the good of the people, why should not the work be taken up? We must at least make a beginning. Last time the Standing Finance Committee sanctioned a grant of one lakh rupees for a new railway line in the South. That was done because the construction of that line was considered essential. I think a railway line between Udaipur and Himmatnagar is equally important and I would request the hon. Minister that if he is unable to start the work in the beginning of this year, he must do so before the year is out.

Secondly, there is the question of the Jaisalmer-Pokaran line and Phalodi-Shri Kolayatji line. The clarification with regard to this line given by the Ministry is this:

"These are entirely military requirements, and are in no way justified for economic or civilian purposes. If Government insist on these new lines, the Budgetary provision should be a special one and should not count against the funds being made available for Railways."

But from what they say it seems as though civilians do not live there and for this reason there is no need for constructing a line for civilian purposes. But the fact is that lakhs of people live there although the population of that area may be less than that of the area of Jaisalmer proper. A new centre can be opened to provide them trade facilities. We are constructing railway lines and roads at other places because they are profitable to the Government. But we must bear in mind public convenience too.

Pandit Thakur Das Bhargava (Punjab): The population of that place is not considered civilian by the Railway Ministry.

Shri Bhatt: Why that is so they will themselves explain. What I have to say is that people live there and a railway line is very necessary for both the civilian population and military purposes. If the money that is being spent over motor vehicles and petrol were utilized for constructing a railroad, not only would the population

[Shri Bhatt]

there have benefited but that would also have been very important from the point of view of the defence of our 800 mile border with Pakistan. Not only from the military point of view but also for the well-being of the population of Jaisalmer and Bikaner is development of a railway track in that area necessary.

The fourth line which I want to mention is that between Raniwara and Bhilori. As you know, the new line that is being constructed between Deesa and Kandla will be completed by the end of this year. That is very good. But you will realize that a line from Deesa to Bhilari and from Bhilari to Raniwara would be very advantageous. Although the distance is not more than 15 or 20 miles, yet if the line is laid and is connected with the line from Jodhpur to Luni, it would save several hours as also expenses of the travelling public while the railways would also be benefited. After the completion of the Raniwara line, the people of Jodhpur and Bikaner would be greatly relieved. This has already been realized. The Railway Ministry does not say that it would not do that but it wants time in order to ascertain the traffic. But the traffic can only be known when construction is begun. I have no doubt, whatsoever, that there is going to be sufficient traffic. So the Railway Ministry must include it in their scheme of construction of the Deesa-Kandla line which is shortly to begin just as Gandhigram and Adipur have been included. But since I am talking of Rajasthan at present, I want that first of all the Bhilari-Raniwara line should be taken in hand. What happens today is that those living in Raniwara or Jalore or Kinnawal have to proceed towards Palanpur and Ahmedabad via Luni, Bali and Marwar junction. Construction of this new line would save several hours. I hope the Railway authorities and the hon. Minister would keep these things in mind.

Shri T. N. Singh: I have a small cut motion which raises the question of the regrouping of the railways. This is an old issue and I believe the House has discussed it at some considerable length in the past. So probably the hon. Railway Minister might feel that I am rather improperly raising this point at this stage. But, what we understood about this regrouping of the railways was that the railways will be divided into compact regional areas for administrative convenience. Now, according to the Budget for this year, the regrouping that is being envisaged is the Northern and North-eastern and

Eastern Zones which cover all the northern areas from the Punjab right up to Calcutta. It is not any particular compact region that is being brought into existence. Like the Euclidian geometry Government believe in running parallel lines. In this case the parallel lines run right up from Lucknow to Calcutta and again from Nainital in north U.P. to Calcutta. These are the regions proposed to be formed and curiously enough they do converge and meet at Calcutta. For Calcutta has a sort of fascination for the railway staff and so these lines must converge there. So at that very place we are going to have the headquarters of two regions.

An Hon. Member: They have it now in Bombay.

Shri T. N. Singh: Yes, Bombay too I think is not going to be one worse than Calcutta and it has also two regions' headquarters in it. And when Bombay has it, Calcutta also must have it. That is the position.

May I know why is this being done at all in this way? After all they have had experience of regrouping in Madras and in Bombay in the south and probably the Railway Minister is not unaware of the shortcomings that came to light there and the various criticisms that were made in connection with the regrouping in the South. He has had that experience and I have no doubt that he has also learned a few things as a result of that. Probably he is also going to modify the three Zones he has started in South India. It is clear that we have learnt a few things. Let us try to learn more. Why should we be in such hot haste and especially at this stage when this Parliament is at the fag end of its session and is counting its days? Why should we go ahead with this regrouping now and start afresh with this plan in the whole of north India and proceed with these parallel regions in this haphazard manner? The zone system may be a good system. I have no particular objection to it. No very high principles are involved in it. But you are bound to learn more and more by experience and time. We have learned a few things and let us not forget or unlearn what has already been learned by past experience. I therefore, strongly feel that this regrouping that is proposed needs thorough consideration. It need not be pushed through within this one or two months. There is time enough to go into the whole question in greater detail, to define the regions more properly and more equitably and in a more contiguous manner and then go ahead with it.

Moreover, in this very region run the metre gauge and broad gauge systems. They are two very extensive systems. There is one from Assam right up to the bottom of the Himalayas in the north, and there is another from the B.N.R. side right up to the Punjab and Simla side. These two systems also require very careful consideration and examination. After all, we have to keep the economic considerations before us. Calcutta is a port city and from there you enter the great coal and iron producing areas. And then there is the agricultural area with its teeming millions of human beings in Bihar and U.P.

Shri A. C. Guha: And the tea areas also.

Shri T. N. Singh: Yes, I am sorry, there are the great tea areas of Assam also. As I was saying, there are the agricultural areas where huge quantities of sugarcane and sugar, oilseeds and so many other things and food-grains are being produced. They have to be transported and taken to various places and you cannot parcel out the whole administration in the haphazard manner that you propose to do. It may be that you may think that I am hasty in my judgment but yet I urge that it does require a better consideration at your hands.

I come from a province which has a population of 66 millions and has an extensive area too. The misfortune of that great province is that for purposes of Railway it is being split up into various regions. Gorakhpur which occupied the proud place of headquarters of the O.T.R. is being brushed off with a view to giving preference to Calcutta. I do not know who is the official of the Ministry with so much interest in Calcutta. The fact remains that Gorakhpur which is a centrally situated place—the headquarters of the O.T.R., is being given the go-by in favour of Calcutta. There is already congestion in Calcutta. There is already dearth of accommodation for offices and you will be huddling together the poor clerks or you do away with the clerks and others who are here employed in Gorakhpur. It is stated in one of the notes that the people who are working in Gorakhpur will be provided somehow. But is that the way to approach this problem? Because you are able to provide them somehow, therefore you must proceed with having Calcutta as your headquarters?

I feel very strongly that this matter has not been looked into properly

and it does require looking into more thoroughly at least. I have not come across a single individual in U.P.—I make bold to say—with any political consciousness and with any knowledge or information on the subject who has given his support to this proposed regrouping of railways so far as the northern area is concerned.

Shri Bhatt: They are not vocal.

Shri T. N. Singh: Unfortunately we are not vocal, but we are enlightened, as the polls have shown and know how to be effective. Therefore, I urge the Railway Minister that at this stage of this Parliament's life he should not, for God's sake, force this regrouping right now. He should have a little patience and allow things to settle down and give a little more consideration to this problem. After all it is not such an urgent matter that this must be done now. The scheme is not sacrosanct and we can revise or modify it. That is all I have to say and I pray that my humble voice in this respect will not be ignored.

Mr. Chairman: I would request hon. Members that they should be very brief. We have only one more hour which includes the time for the hon. Minister's reply to each Demand. Therefore, I would like hon. Members to be very brief and not exceed five minutes if not less.

Shri Kamath: We can sit till one.

Mr. Chairman: Even then we have not got much time.

Shri S. C. Saha: My cut motion also refers to the regrouping of railways especially the proposed regrouping of E.I., B.N. and O.T. Railways into North, North-eastern and Eastern Railway. The hon. Minister of railways stated that it has no connection with the present Demand but I hold that it has some connection because the White Paper supplied to us says that it is the intention to complete the process of regrouping in the near future by forming the remaining Zones of Northern Railway, North-eastern Railway and Eastern Railway. The plans for the formation of these zones are in the process of finalization and moreover we know that the thing will come before the Central Advisory Council for Railways tomorrow. So if the Advisory Council for Railways accepts the formation of these three groups, then the economic question will come up. So I hold that it may be discussed in these Demands.

Shri Gopaldaswami: I wish to make my position clear. I did not say that the discussion was banned. I only said that it would not be related to any item in the Budget itself. As a question of policy certainly it can be discussed.

Shri S. C. Samanta: In 1951 three Zones were formed—one South Zone in April 1951 and towards the end of 1951 in November the Western and Central Railways. The other day in answer to a question the hon. Minister of State for Railways told us that economically the South Zone has been beneficial by reducing 13 posts of Officers. About efficiency it is difficult to say how it is going on because the all round accounts of Railways are given to us after one year or two years and it is not possible for the Railway Ministry to supply them earlier than this. So I have no objection to the regrouping of railways, which scheme we have already accepted but my point is that we have taken up three groups and three Zones have been formed and the other three Zones should be created on the experience of the three Zones already formed. So I would like the hon. Minister to tell us why should we not wait for a year at least to have the experience of the three Zones already formed. The appeal made by the hon. Minister of State to form the Zones very early has touched us but at the same time due to the grievances made by the public, we would like that the forming of Zones should be deferred for the time being. Moreover I have found that the provisions followed by the Committee set up by the Railway Board for forming Zones have to be changed according to circumstances and so our experience of the Zones already formed should be taken up for the future formation of Zones.

Shri Lakshmanan (Travancore-Cochin): If we go on at this rate we will not be able to cover more than one or two Demands. Therefore, a time-limit may be placed on each Demand.

Mr. Chairman: I have already placed the time-limit and I have made the request to adhere to it more than once.

Shri Gopaldaswami: He says for each Demand.

Shri Lakshmanan: For each Demand, not for each speech.

Shri Kamath: It is there by implication.

Shri Barman: Madam, with your permission I would like to make a little change in my cut motion. In my cut motion I have mentioned:

“Necessity of a rail-cum-road bridge over the Ganges at Monihari ghat of Assam Railway.”

I would like to delete the words “cum-road” and make it, “Necessity of a railway bridge” etc. etc.

Mr. Chairman: He may just mention his points and that will not take more than five minutes.

Shri Barman: Only I would first suggest that this change may be taken note of.

Within the short time at my disposal I may briefly mention, first of all, that I am not at all pressing here that the Railway Board or the Railway Administration is not conscious of the fact that the absence of this bridge over the Ganges at Monihari Ghat is not only causing a lot of inconvenience to passengers but is also a transport bottleneck for goods. The whole of Assam, North Bengal and North Bihar are dependent on Calcutta and after partition this is the only route that has been constructed by the Railway which admits of such traffic of passengers as well as of goods. Though I am one with Mr. Rohini Kumar Chaudhuri in paying encomiums to the Railway Administration for constructing the Assam link in a very short space of time, I must add that perhaps not even Mr. Chaudhuri himself knows the difficulties which the passengers have to undergo while crossing the river at Monihari Ghat. I had personal experience of this several times and I have seen things as they are. I am mentioning this only to stress the urgency of the situation; while the Railway Administration realise the difficulties from a distance, they cannot realise the difficulties which the passengers have actually to undergo. At that point of Sakrigali and Monihari, on two sides of the Ganges the river channels always change their course and because of that every year new branch lines have to be constructed from the railway stations to the steamer ghat. I suppose the Railway Administration is quite conscious that enormous sums of money are spent every year over this and even provisional lines that are constructed up to the steamer ghat sometimes do not last even for a week. The difficulty of the passengers is that even after this trouble that the Railway Administration takes to make new lines up to the steamer ghat which changes

every week, the passengers have to wade a sandy shore up to the steamer ghat and in the rainy season in that part of the country lasting for six months they get completely soaked. I have seen many of the passengers with their children and women folk in a completely soaked condition. They get soaked in their journey from the railway terminus to the steamer ghat or vice versa and those who have not got two sets of clothes remain in that wet condition until nature helps them in drying the clothes. On the other side, that is on the Monihari ghat side there is practically no station, nor can it be built because of the nature of the terrain there. The Monihari ghat Railway station proper is three to four miles from the ghat. Here too provisional lines are constructed every year and have to be changed later, but as regards the passengers after crossing the river at night they have to wait there until the next train arrives three or four hours after they have landed at the steamer ghat and in that condition they have to face the monsoon rains or the winter cold.

These are the difficulties of these passengers. Let me place before the House another fact, namely the cost of constructing these new lines every year. To my mind, if the Railway Administration considers the cost that they are incurring every year on these lines they will see that if a bridge is built it will minimise the expenditure and accelerate the traffic and the loss now debited to the Assam Railway will also be minimised. I hope the Railway Administration would consider this matter very urgently. The construction of the bridge will of course take a few more years but the matter may be taken up for consideration.

Shri Jhunjhunwala: I have got three cut motions which can come under Demand No. 1. I shall try to finish within five minutes by simply mentioning the points—I shall take them up exhaustively when the Budget comes up again in the new Parliament.

Mr. Chairman: Are you bringing in other points bearing on other Demands also? Your cut motion is on Demand No. 1.

Shri Jhunjhunwala: The others also come under the same Demand. I shall finish them within five minutes.

Last year when the hon. Minister was moving for an increase in fares and freight it was said that there was very little scope, absolutely no scope, for an increase in freight. But the present proposal is for increasing the freight on coal, sugar and one or two

other items. The reason advanced by the hon. Minister now is that it is being done to rationalise the freight system. The argument is that the hauling charges for coal being much more than the freight charged, it is necessary that there should be some increase. But the hon. Minister should have taken this point into consideration that though the coal freight has been fixed at a very low level compared to the hauling charges it must have been done on some principle of rationalisation because those articles cannot bear a higher freight. There are some items freight on which is about 18 pies—I am not going to mention all those items, I shall deal with this point exhaustively later—and is the hon. Minister going to decrease the freight on those items where the rates are much higher than their landing charges? If he is going to rationalise freight rates then he should rationalise the rates on all the articles: where it is high he should decrease it, where it is low he may increase it. If it is done on a particular basis, that basis should not be applied only to articles whose rates are lower than hauling charges. You should not try to take money from the public on a particular ground and do not apply the same ground to cases where you have to reduce freight. Further, when the hon. Minister is to increase the freight on coal, he has not indicated whether it will be for all kinds of coal or whether there would be different rates for different kinds of coal. If the same increase will apply to all kinds of coal then it will very badly affect the second class collieries. Therefore, before announcing the rate, he should take this point into consideration. Further, whenever any increase in freight or fares is decided upon, the Railway Ministry should try to economise in the expenses, but when you look at the expense you find that they are being increased.

My second point is about failure to restore Mandar-Bhagalpur dismantled line. This line is thirty or thirty-two miles long. Mandar Hill is a health resort. Every week-end people go there and the absence of the line is causing great inconvenience. This line was running for so many years and due to war it was dismantled. There is no reason why it should not be restored immediately. I find that while other lines have been taken up, this line has not been taken up. It should be done now.

My third point is about failure to complete construction of Madhepura-Murligunge line and non construction of lines joining Beharigunge to Kishenganj and another to Alamnagar. This

[Shri Jaunhunwala]

question has been raised by me for the last two or three years and the Railway Minister was very kind enough to mention that this work has been taken in hand. We cannot, sitting here, imagine the horrors of the Kosi flood and all the great difficulties to which people are subjected when the flood comes. If this line is constructed, there will be very great advantage. Last year, I gave some figures. I do not remember them now. There will be transport of jute also to a very great extent and the railways will benefit by it. The jute growers will also benefit by it. Though it has been decided to construct it, it is being delayed. It should be expedited. Further, just as has been pointed out by my hon. friend Mr. Bhatt, there are certain places where railway lines are very necessary. There are two thanas—Kishenganj and Alamnagar. There is one Beharigunge station from where these thanas are only three or four miles. These thanas are the headquarters of the nearby villages and if a connecting line is constructed, it will cost very little but will provide a very great deal of convenience. I would request the hon. Minister to take up the question of construction of these lines.

There is one more point regarding the regrouping of railways. I am told by my hon. friend Mr. Verma who has taken a great deal of interest in this matter that Bihar Government has not yet decided as to whether there should be regrouping or not and until this question is considered and decided by Bihar Government, the regrouping should not come into force.

Shri Kamath: I demand from the hon. Minister a clarification and revision of the policy that has been adopted by the Ministry towards the railway employees who were arrested and detained in India just before the threatened railway strike of March 1949. The House is aware that the strike did not materialise, but before it, hundreds of railway employees were detained all over the country. In my own province of Madhya Pradesh, there was a large number of detenus, who were all released after some time, but of whom 23 employees were kept under suspension for over two years with one-half or three-eighths of their pay as subsistence allowance, and at the end of that period their services were terminated under the Railway Services (Safeguarding of National Security) Rules, 1949. I am not aware as to how many detenus were dismissed in similar circumstances in other

States, but the point that arises in this connection is this: on 13th November 1951 the High Court of Madras delivered judgment in a case filed by one Sambandam, an ex-employee of the South Indian Railway who had been detained similarly and whose services had been dispensed with under the rules I have quoted. There the High Court held that the order of the General Manager of the Railway dated the 6th October 1950 terminating the services of Sambandam under the said rules was illegal and inoperative. This judgment, in my opinion, governs or has a vital bearing on the cases of similar detenus whose services were terminated at the end of a year or two. The High Court of Madras held that the order of dismissal passed under these rules was illegal, "inasmuch as the employee was not given a proper opportunity to defend himself as required by the provisions of the Constitution". I would like to know from the Government what exactly their policy is with regard to the hundreds of detenus who were detained at that time, who remained under suspension for over two years and whose services were terminated at the end of that period without affording them an adequate opportunity, as provided by the Constitution. The judgment of the High Court of Madras applies to all such detenus whose services were similarly terminated, and as the High Court has held that the order passed by the administration was illegal and inoperative, I demand that the detenus who in similar circumstances were dismissed from service under these Rules must be reinstated.

श्री राधे लाल व्यास : अभी भी तीसरे दर्जे के यात्रियों की दशा, जैसी होनी चाहिये वैसी नहीं हुई है। वहाँ युद्ध के पहले जिस प्रकार भीड़ रहती थी उस से कहीं ज्यादा अब भीड़ रहती है। जितने अधिक डिब्बे होने चाहियें, उतने डिब्बे बढ़ाने की ओर अभी भी ध्यान नहीं है। एक बहुत बड़ी असुविधा जो तीसरे दर्जे के यात्रियों को अनुभव होती है वह है सफाई का न होना। तीसरे दर्जे के डिब्बों में बड़ी गन्दगी रहती है। पाखाना साफ़ करने की कोई व्यवस्था दूर-दूर तक भी नहीं होती है। कमरों में काफी गर्द बगैरह रहती है। उन की सफाई

भी काफी दूर दूर तक यात्रा करने पर भी नहीं होती है। तो जैसे पहले, दूसरे और इंटर क्लास के दर्जों की ओर ध्यान दिया जाता है उस के साथ ही अब समय आ गया है जबकि जनता का राज्य हुआ है तो इन तीसरे दर्जों के यात्रियों की सुविधा की तरफ और खास कर सफाई की ओर ज्यादा से ज्यादा ध्यान देना चाहिये। पिछले दो तीन वर्षों से तीसरे दर्जों के यात्रियों को एक बहुत बड़ी तकलीफ हो गई है। वह यह है कि चलती गाड़ी में बहुत से लोग अपने माल को बेचने और नीलाम करने के लिये आते हैं और वह इस तरह से ऐसी चीजें जैसे कि बाल काटने की कैंची, नकली साबुन, आदि बेचते हैं और भोली भाली जनता को इस नीलाम में ठग लेते हैं। इस के रोकने की कोई व्यवस्था नहीं की गई है। मुझे तो आश्चर्य है कि इन चीजों को इस प्रकार से बेचने की इजाजत कैसे दी जाती है और इस को देखने वाला कोई नहीं है। यह तो एकदम बन्द हो जाना चाहिये। इन के कारण एक और भी तकलीफ है। वह बहुत जोर के साथ अपना व्याख्यान देते हैं और यात्रियों को इस से परेशानी होती है। इस की रोक टोक नहीं होती है।

12 Noon

श्री कामत : व्याख्यान से परेशानी होती है ?

श्री राधे लाल व्यास : जी हां, इस तरह के व्याख्यानों से जो वह अपनी चीजों को बेचने के लिये, एडवरटाइज करने के लिये, देते हैं।

इस के अलावा तीसरे दर्जों के यात्रियों को जो तकलीफ हो, उन की जो शिकायतें हों, उस को सुनने के लिये कम से कम खास खास स्टेशनों पर तो व्यवस्था

होनी चाहिये जिस से कि उन को जा कर पूछें और उन की शिकायतों का संग्रह कर के दूर करने की कोशिश करें। इस से तीसरे दर्जों के यात्रियों को बहुत बड़ी सुविधा मिलेगी।

तीसरे दर्जों की गाड़ियां, खास तौर से पैसंजर गाड़ियां वगैरह, अक्सर लेट हुआ करती हैं और मेल गाड़ियों के लिये और खास कर दूसरे दर्जों के लिये तीसरे दर्जों की गाड़ियां अक्सर थोड़े समय के लिये नहीं बल्कि घंटों तक देर से जाती हैं। मेरी समझ में नहीं आता कि जहां बहुत ज्यादा यात्री हों तो उन की ओर इतनी ज्यादा उदासीनता रेलवे बोर्ड और रेलवे विभाग की ओर से क्यों होती है। मैं चाहता हूँ कि इस ओर भी ध्यान दिया जाये।

इसी तरह से कई फुट ब्रिजों (foot bridges) की बात है, जैसे कि उज्जैन में फुट ब्रिज के न होने से बहुत काफी तकलीफ है। बरसों से वह तकलीफ चली आ रही है। पिछले बजट में इस के लिये एक रकम भी रखी थी, लेकिन फिर भी वह काम नहीं हुआ। उज्जैन एक तीर्थ स्थान है। और साथ ही वह वेस्टर्न रेलवे और सेंट्रल रेलवे दोनों का एक बड़ा मुकाम है। वहां हजारों लाखों यात्री आते हैं। वहां इस ओवर ब्रिज की बहुत बड़ी तकलीफ है और बरसों से रेलवे अधो रीटिज से लिखा पढ़ी करने के बाद भी वह तकलीफ अभी तक दूर नहीं हुई है।

तो जब प्रथम शताब्दी रेलवे की मनाई जा रही है तो मैं चाहता हूँ कि तीसरे दर्जों के यात्रियों की ओर विशेष ध्यान दिया जाय और जोन टिकट वगैरह निकाले

[श्री राधे लाल व्यास]

जायें तो वह लोगों को आकर्षित करेंगे और ऐसे प्रयोग काम में लाये जायें जिस से तीसरे दर्जे के यात्री अनुभव करें कि रेलवे बोर्ड उन के हित के लिये और जनता के हित के लिये ज्यादा से ज्यादा सुविधायें देने के लिये प्रयत्नशील है ।

(English translation of the above speech)

Shri Radhelal Vyas (Madhya Bharat): There has not been that improvement in the lot of the third class passengers as should have been. These bogies are much more crowded today, than they used to be before the war. Government are not paying attention towards increasing the number of bogies. One great inconvenience that the third class passengers feel is complete absence of sanitation. Third class bogies are very dirty. Arrangements are not made for long distances for cleaning the lavatories. There is lot of dirt in the compartments which remain uncleaned very often. Time has now come with the people's rule when more and more attention should be paid towards providing facilities to third class passengers, specially towards sanitation, in the same way as attention is paid towards first, second or inter classes. For the last two or three years third class passengers have been facing another evil. A number of hawkers frequent the running trains to sell or auction goods like scissors, spurious soaps etc. and cheat the poor people. No arrangement has been made to check this evil. Indeed, I wonder how these things are permitted to be sold without any check. This should stop once for all. There is another thing also. They make their speeches very loudly which is so troublesome to the travelling public. There is no check on it.

Shri Kamath: Speeches prove to be troublesome?

Shri Radhelal Vyas: Yes, the speeches they give to sell and advertise their goods.

There must besides be arrangements on at least big stations where third class passengers should be approached to tell their difficulties and hardships and their complaints should be recorded for removal. This would go a long way in providing facilities to third class passengers.

Passenger trains often run late by hours for they are detained for long to

give passage to mail trains. I cannot understand why the Railway Board should be so apathetic towards the convenience of such a large number of people. Attention must be given to this matter.

Similarly, there is the question of foot-bridges. For example, great inconvenience is experienced in Ujjain in the absence of foot-bridges. This state of affairs is going on for years. A certain sum was sanctioned in the last budget for that purpose and still that work was not done. Ujjain is a place of pilgrimage and is besides a big junction of the Western and the Central Railways. Thousands of pilgrims go there. Absence of any over-bridge there results in much inconvenience. That difficulty has not been removed in spite of years of correspondence with the Railway authorities over that matter.

When the first centenary of the Railways is going to be celebrated, it should be marked with special facilities to third class passengers. Zone tickets and things like that would attract people. Things should be so done that third-class passengers may feel that the Railway Board is earnestly endeavouring to provide the people with maximum facilities.

Dr. Deshmukh: I have moved my cut motion to discuss lack of plan for rapid expansion. In my brief speech yesterday I had referred to this question—that Government does not seem to have any plan for expansion. If we refer to page 47 of the account of Railway Working provided to us we find the following sentence:

"The capital expenditure during the year was 25.60 crores of which 20.41 crores was incurred on Indian Government Railways."

The distribution of capital expenditure on the Indian railways shows that only Rs. 3.24 crores were spent on new lines. This sum is actually smaller than the expenditure incurred on new lines even in 1948-49 and 1949-50. When I look at the provision made in the Five Year Plan for railway development, I find it is extremely meagre. There is a provision of Rs. 200 crores made in the Five Year Plan. But the immediate railway programme is confined largely to rehabilitation; a more ambitious programme of railway expansion will have to wait for the present. I think for a country of our size this provision is hopelessly inadequate.

The importance of roads and railways is admitted on all hands. It has been said that "the community pays for good roads whether it has them or not. It pays more if it has not got them". The same certainly applies to railways as well.

There were plans which were fairly well advanced so far as Madhya Pradesh was concerned. One of them was the linking of narrow gauge system of Hyderabad State with Khandwa via Akola. That scheme was taken in hand and we thought that it would be implemented. But that has been dropped almost completely it appears. There was also a proposal to connect Amravati with Narkhed. This route was surveyed and even the work was about to be begun. It passes through a very fertile area. The development of this area is held up because there are no railway lines. A lot of sugar cane is grown there and a number of sugar factories can be established there.

Therefore, I submit that the hon. Minister should not be content with this Rs. 200 crores programme which consists mostly of rehabilitation. There should be a big programme for construction of new lines. As in the past it should not be impossible to permit people to float companies for construction of new railway lines.

The railways are important not only because they open up the country, but also because they help the country in many different ways; they lead to greater industrialisation and greater production. Railway development also leads to more employment and encouragement of technical skill. They also lead to the establishment of ancillary industries.

Mr. Chairman: Now that hon. Members who have moved cut motions on Demand No. 1 have spoken, may I suggest to the hon. Minister that he may give one reply to all the points made on Demands Nos. 4, 5, 6, 7, 8, 15 and 18 which hon. Members wanted to discuss. The guillotine was originally intended to be applied at 12 noon; then it was extended to 12-30. Since there are many hon. Members who want to speak, I would extend the time till one o'clock. Even then we have only half an hour left, because the hon. Minister would like to have half an hour to answer all the points raised. Meanwhile I would call upon hon. Members to just mention their points on the other cut motions. Is this course acceptable to the hon. Minister?

Shri Gopaldaswami: I am entirely in the hands of the House and yourself

in regard to this matter. Of course if all the cut motions are moved and speeches made, perhaps, I might not be able to cover all that has been said here within the time at my disposal.

Shri A. C. Guha: May I refer to the procedure adopted last year. The hon. Minister replied to some of the points and in regard to points which he could not cover, he sent written replies to every Member concerned.

Mr. Chairman: Last year the replies to the points were laid on the Table of the House.

Shri Gopaldaswami: Last year I replied to some of the points made during the course of the debate. In regard to points which I could not cover within the time at my disposal, I undertook to have them examined and a note on them circulated to hon. Members. I think that note was placed on the Table of the House.

Mr. Chairman: I think the hon. Minister will have no objection to adopt a similar course this year too. We may go on with the discussion till 12-40 and the hon. Minister can have 20 minutes for his reply. But we must spend the time usefully and economically.

We shall now take up Demand No. 4 which hon. Members wanted to discuss.

DEMAND NO. 4—WORKING EXPENSES— ADMINISTRATION.

Mr. Chairman: Motion is—

"That a sum not exceeding Rs. 8,55,54,000 be granted to the President, on account, out of the Consolidated Fund of India, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1953 in respect of 'Working Expenses—Administration'."

Shri A. C. Guha: I have a cut motion on that.

Mr. Chairman: I would like to call upon those hon. Members who have given notice of cut motions but who have never had any chance of presenting their view-points within this time.

Shri Lakshmanan: I should like to urge a few points. One is the paucity of train services between Quilon and Trivandrum. At present there are six services from Quilon to Trivandrum and six from Trivandrum to Quilon. The last train that leaves from Quilon is at 5-27 P.M. and thereafter the next train is only at 4-20 or

[Shri Lakshmanan]

so in the morning. Now, Quilon is a district headquarters with a large number of high schools, colleges, hospitals and public offices and persons from several intermediate stations like Kadakavur, Varkala and Chirayinkil go to Quilon for various purposes. The last train being at 5-27 P. M. they find it very difficult to go back to their places if they happen to miss that train. True, there is a bus service from Quilon to Trivandrum, but that bus route goes along the interior portions of the land whereas the intermediate stations on the railway line are on the coastal area. Therefore, people from the coastal area, that is from places like Kadakavur, Varkala and Charayinkil, going to Quilon find it very difficult to reach back their homes if they happen to miss the last train which is at 5-27 P.M. Therefore, a train must be run after 5-27 p.m., sometime between seven and eight in the night. That is one point which I want to urge.

The second point is about the inadequate provision of funds for the construction of the Quilon-Ernakulam line. I would like to take this opportunity of thanking the hon. the Railway Minister for having taken up the construction this year itself. But having decided to take up the construction of this line, what I cannot understand is the half-heartedness about the matter. A sum of Rs. 6,77,00,000 is the total cost of the project of which only a paltry sum of Rs. one lakh has been provided for in the current Budget for this purpose. The hon. the Railway Minister knows it too well in his capacity as States Minister that the integration of the two States can be completed only after a railway link is established between Ernakulam and Quilon. There is also a political aspect to this question. There is quite a lot of labour unrest in this area, and if this work is taken up in the coming financial year unemployment can be solved to a great extent. Therefore, as a measure of political expediency also I hope that this matter will receive the attention of the hon. the Railway Minister, who happens to be the States Minister also, and that this work will be taken up during the coming financial year and adequate provision made in the Budget for that purpose.

Shri P. Kodanda Ramiah (Madras): I want to bring to the notice of the hon. Minister the conditions prevailing on the Nidadavolu-Narsapur line. This line is not properly managed. The

trains always run late and there is no loop-line anywhere between Nidadavolu and Bhimavaram.

Shri Gopalaswami: Is there any particular cut motion on which the hon. Member is speaking?

Mr. Chairman: Yes, to discuss "overcrowding, late running, vending in compartments, reservation and other grievances of the passengers".

Shri P. Kodanda Ramiah: This line has no *ma-bap* and nobody to hear the grievances of the passengers. There is private vending going on in the trains. The trains are overcrowded because they always run late. Whenever we want to have any reservation from any of the intermediate stations to Delhi or to any other place we are asked to go to Nidadavolu or to Bezwada to have our reservation. I have represented this matter ever since I came to this House. I have written to the Railway Ministry, and I have written to the Traffic Manager, M. & S. M. Railway also, but nobody has taken any care and the same conditions are prevailing on that line all these years. I again bring this matter to the notice of the hon. the Railway Minister and request him to redress the grievances of the passengers on that line.

Mr. Chairman: We will come to Demand No. 5.

Dr. Deshmukh: There are other cut motions.

Mr. Chairman: What I wanted to impress upon hon. Members was that while there are those hon. Members who have already had a chance of expressing their view-points on particular matters, there are other Members who have never had a chance at all till now. I would therefore like to give them a chance. Otherwise, it will be calling the same Member to speak on different demands.

Shri Kamath: Will you come back to the other Members who have tabled cut motions?

Mr. Chairman: If any other hon. Member wants to move any particular cut motion I will not stop him. This is only a suggestion I have made in view of the shortness of the time available.

Shri M. Naik: I have a cut motion.

Mr. Chairman: Does he want to move it?

Shri M. Naik: At least I want to speak on it.

Pandit Thakur Das Bhargava: Those who have not tabled any cut motions should also be given an opportunity.

Mr. Chairman: First I will give an opportunity to those who have given notice of cut motions. Then I will come to those who have not given any. But I think the hon. Member. Shri M. Naik had an opportunity of speaking yesterday on the General Discussion of the Railway Budget.

Shri M. Naik: No, Madam.

Mr. Chairman: Then he may speak now.

Shri M. Naik: The first thing which strikes me after listening to the Budget speech of the Railway Minister is the effect of last year's enhancement of railway passenger fares on the financial position of the Railways as revealed in the Budget. From the statement of Revenue Receipts and Expenditure given on page 74 of the White Paper we find that upper class passenger fares have gone down as per revised estimate for 1951-52 by Rs. 2½ crores. In the Budget estimate for 1952-53 the traffic earning from upper class passengers has been reduced by about Rs. ten lakhs even as compared to the actuals of 1950-51. Similarly, the traffic earning from third-class passengers also has gone down. As per the statement given in the White Paper—para 11—"the number of third class passengers has dropped by about 4.2 per cent. and passenger miles by about 5.5 per cent. compared to the corresponding period of the previous year". Because of this increased passenger fare, I feel, the passenger earnings as well as passenger miles have dropped. I suggest to the Railway Minister that it is now time that we should give some consideration to the reduction of the railway fares. I believe that it will amply compensate the total amount of earnings as well as the total number of passenger miles.

The next point is regarding the Railway rehabilitation. Here I would like to bring to the notice of the hon. Minister that over Howrah and Madras section of the B.N. Railway, prior to 6th of November there was one Janata Express running every week from Howrah to Madras, but after the 6th of November I find that one of the passenger trains running from Howrah to Madras had been converted to Janata Express, thereby withdrawing certain stoppages from certain intermediate stations as a result the only passenger train from Howrah to Puri has been found to be overcrowded with passengers from intermediate stations. I cannot understand why the weekly

Janata Express was withdrawn and at the same time one existing passenger train was converted into a Janata Express.

There was a proposal hanging before the Government for converting the Mayurbhanj Light Railway into a broad gauge line and linking that with Tata Badampahar Section. That has not only not been done yet but no provision appears to have been made in the Budget and this should also be looked into by the Railway Minister.

The next point is this. If one looks at the Railway map, one will find a barren patch of tract over the ex-State areas of Orissa and Madhya Pradesh. This particular area is full of rich mineral resources and if a regular survey is taken up and these places are linked with railway lines, I believe there will be immediate industrial development and development of mineral resources and that will add to the exchequer of the country and also will add to the earnings of the Railway Ministry too. These are the few points which I have to make and I would request the hon. Railway Minister to give due consideration to these points.

Upgrading scheme with reference to aged and senior Station Masters

Shri Kamath: I beg to move:

"That the demand for grant on account under the head 'Working Expenses—Administration' be reduced by Rs. 100."

I am given to understand that a so called "Upgrading" Scheme has been introduced in the Railways and though I am not aware whether it has been applied to all the Railways, it has been applied to the East Punjab Railway, as far as I am aware. Under this scheme, old and rather very senior Station Masters have been asked to work as A.S.Ms. grade II, and they were told that if they refused to work as A.S.Ms. grade II, they would be debarred from further promotion. Station Masters have thus under this scheme been transferred from their former stations to bigger stations like Delhi, New Delhi, Saharanpur and such other places. There is no difference so far as I know between the salary and grade of Station Masters Grade I and the newly created posts of A.S.Ms. Grade II but there is one vital difference and it is this: Every grade II A.S.M. has got to perform night duty and these Station Masters now appointed to work as A.S.Ms. Grade II have already spent many years of their

[Shri Kamath]

service in performing night duties, and on being appointed as A.S.Ms. Grade II, they have got to do night duty again in that capacity. It is, I submit, cruel to ask them to perform hazardous night duties in this fashion and I would, therefore ask the hon. Minister to tell the House why exactly this scheme was introduced and whether this iniquitous application of the scheme to the Station Masters may not be remedied or rectified, so that the aged and senior Station Masters may not have to perform night duty all over again, which they have already done for many years of their service.

Just one other point: after partition there were many Station Masters who came over to India from Pakistan and were absorbed in the East Punjab Railway. I understand that after their arrival here and absorption in the East Punjab Railway, the seniority lists of those Station Masters along with those who were already here were drawn up in a rather slipshod manner and not much attention has been given to this matter since then. I would request the hon. Minister to see that nobody's seniority is adversely affected without cause. I learn that in some cases a Station Master of 15 years' service has been adjudged or has been placed senior to another Station Master with 25 years' service. If that is so, such anomalies must be redressed or ended, and the seniority list must be properly drawn.

Mr. Chairman: Cut motion moved:

"That the demand for grant on account under the head 'Working Expenses—Administration' be reduced by Rs. 100."

Policy

Dr. Deshmukh: I beg to move:

"That the demand for grant on account under the head 'Working Expenses—Administration' be reduced by Rs. 100."

Construction of Railway Stations

Dr. Deshmukh: I beg to move:

"That the demand for grant on account under the head 'Working Expenses—Administration' be reduced by Rs. 100."

The first point is that the dismantled line between Darwha and Digras which is I think on the programme should be restored at an early date.

Then I have also been pressing for the widening of the overhead bridge at Badnera which is causing a great deal of inconvenience especially to bullock carts. We as cotton growers pay a very big revenue to Government and as such, the cotton growers' grievances, I hope, will be looked into. I have also been asking for an over-bridge at Amraoti. The reply that I got was that there was no demand. I think this sort of reply should not be given when an accredited representative says that the inconvenience is felt by the people, because they represent to him, it should not be necessary to prove the demand in any other fashion. Under the old regime petitions had to be given to *Mabap Sirkar* and there had to be protests and *satyagrahas*. I do not think that this Government should invite them and when a representative says that this is necessary and causes inconvenience, that I submit should be enough. There is also the question of the construction of the Amraoti Station. The Badnera Station has been reconstructed, I am very glad about it, although it was newer than Amraoti. I hope the construction of the Amraoti Station which is absolutely dilapidated and very old will be undertaken.

Mr. Chairman: Was not that point already made out?

Dr. Deshmukh: No, Madam. I referred to Amraoti—Narkhad line that time.

Mr. Chairman: Cut motions moved:

(1) "That the demand for grant on account under the head 'Working Expenses—Administration' be reduced by Rs. 100."

(2) "That the demand for grant on account under the head 'Working Expenses—Administration' be reduced by Rs. 100."

Shri A. C. Guha: I want to move a cut motion.

Mr. Chairman: I would like to know which cut motion the hon. Member wants to move.

Shri A. C. Guha: On Demand No. 4.

Mr. Chairman: We have not passed on to the other Demand. I think we are still on Demand No. 4.

Shri A. C. Guha: I have no objection. I hope you will allow me to speak for two minutes.

Mr. Chairman: I would like to give a chance at least to one Member who has not given a cut motion.

Shri Amolakh Chand (Uttar Pradesh): I am grateful to you for giving an opportunity to a Member who has not given notice of any cut motion. I would not like to take much of the time of the House, except three minutes on three points only.

U.P. is one of the most populous provinces in India. At present five Railways are touching the U.P. the E.I.R., the O.T.R., the E.P.R., etc. Under the new scheme of regrouping, four Zones will serve the U.P., namely the North-eastern, Northern, Eastern and Central Zones. So far as the number of Railways is concerned, U.P. will be served by four. According to the Wedgwood Committee the idea was to give every Railway a compact administration. The advantages and facilities which U.P. enjoys by having headquarters of these Railways will be taken away if you are to have only two headquarters one at Delhi and one at Calcutta. As everyone knows, U.P. has an integrated economy. The whole province has been divided into two parts, fortunately; or unfortunately one is deficit and the other is surplus. One hears so much about the deficit areas. The deficit areas are Azamgarh, Gorakhpur, etc. and under the new scheme they will be served by the North-eastern Zone. The surplus districts are Meerut, Bulandshahr, Aligarh, etc. and they would be served by another Zone, the Eastern...

Shri Santhanam: Northern.

Shri Amolakh Chand: Anyhow, there will be two Zones. Instead of having all these Zones, one metre gauge and one broad gauge which will bring in administrative difficulties when you have to operate to assist the deficit areas, I would suggest that the best course of regrouping for the U.P. is to have one Zone of all the Railways, run by one administration. Further, the O.T.R. also serves the sugar industry. We always find that there are transport difficulties. The argument which I advanced for having the metre gauge and broad gauge under one administration also holds good here.

The third point that I would like to emphasise is that at present we have five headquarters: Gorakhpur, Allahabad, Moradabad, Lucknow and Jhansi. It is said that they will continue the sixty-year-old office at Gorakhpur but the other four will disappear. It would mean that the persons residing in the U.P. would not have their full quota in services. In these circumstances, I would request the Central Advisory Board and the Railway

Ministry to consider all the points and then take a decision. In reply to a supplementary question on regrouping, the hon. Minister of State for Railways stated that the opinions of the State Governments did not count...

Shri Santhanam: No, no. I never said so. I think it is a gross misrepresentation.

Shri Amolakh Chand: I would only request the hon. Minister to consider the views of the State Governments and of the residents of the provinces.

Shri T. N. Singh: There will be *satyagraha* otherwise.

Mr. Chairman: I think I should call upon the hon. Minister to reply.

Shri Kamath: There are five minutes more.

Mr. Chairman: Can you not give those five minutes to the hon. Minister to cover all the points raised?

Shri Gopaldaswami: I thought, Madam, you wanted to put all the Demands to vote also by 1 P.M. So I would try to restrict whatever I have to say within about twenty minutes so that five minutes may be taken up in putting the Demands to vote

The debate that has taken place this morning has covered a large field. I think the bulk of the criticisms has been directed against Demand No. 1; but it would not be dealing fairly with the House if I started dealing with each individual cut motion. If hon. Members will permit me to do so, I propose to deal with some of the main issues that were raised on the different cut motions.

First in importance. I will try to deal with the criticisms of the regrouping scheme. Hon. Members from the U.P. seem to be greatly perturbed over the possible materialisation of the three new Zones within a short space of time from now. I wish to invite their attention to the fact that when we entered upon a scheme for regrouping of Railways in the country, we accepted as a principle of vital importance to the betterment of Railways in the country that in the place of a large number of different systems big and small dealing with large and tiny areas and so forth we should have six consolidated systems each of a Zone and with an equipment sufficient to deal efficiently with all aspects of Railway administration. We could not have started

[Shri Gopalaswami]

the first Zone in the country unless we had committed ourselves to these six Zones. That was explained at that time. We have brought three Zones into existence. From what my hon. colleague told the House yesterday, hon. Members should have realised that the results of the working of the first three Zones which were inaugurated during the current year have been satisfactory. It is possible that hon. Members might say that we have not been able to give detailed facts and figures to demonstrate the improvements that have taken place. With regard to improvements in Railway administration, you cannot take facts and figures which pertain only to a few months of working. That working has to be watched for a sufficiently long time before such facts and figures could be placed before the House. We can only give what has been brought to our notice and impressed upon us namely that operation has been definitely improved and that there are greater facilities for giving greater satisfaction to the public. We have also, I think, enough evidence to show that this new system has not brought about any particular prejudice either in the direction of our revenues or in the direction of our expenditure. That is to say, our revenues have not been affected to their prejudice; our expenditure has not been increased because of the regrouping. These are general statements, no doubt. But, we have got to remember that unless we complete all the six Zones in the country, the maximum of benefit that could be realised by re-zoning could not be realised immediately. That is why we are anxious to go forward with the balance of the scheme of regrouping. The fact that we are doing it in the course of 12 or 13 months is not in itself an objection. I can understand criticisms based upon prejudice caused to particular areas by reason of giving effect to this scheme. Well, hon. Members, some of them, have referred to the economy of Uttar Pradesh. Let me assure them that that economy is not going to be prejudicially affected by the scheme that has been put before the public. That economy, if anything, is going to be made more efficient and capable of giving greater satisfaction to the people of Uttar Pradesh than it is at the present moment.

Now let us look at one or two of the objections raised. One is that Uttar Pradesh may have to deal with a number of Zones, that it will not be confined to one particular Zone; and one hon. Member I think said

hon. Member who spoke last—went to the length of saying that Uttar Pradesh itself should be constituted into a Zone for railway purposes so that the people and the Government of Uttar Pradesh need deal only with one zone. Now, I want hon. Members to remember that the railways cannot be administered on the basis of a separate Zone for each State unit. That is impossible. The bad effects of such a system we have come to realise in the haphazard development of our railways in the different parts of the country. Look at the number of little railway systems that grew up in the country because the old Indian States claimed some sort of a sovereignty and each State, however tiny it was, wanted to have a railway line of its own. We have done away with all that. We have unified the country and the railways are a subject which has to be administered from the Centre as one whole. And if in administering it, it becomes necessary that a number of different units of the railway administration have got to be dealt with by a territorial unit which is a unit for administration purposes in other directions that sort of thing cannot be helped. If you want efficiency in railway administration we cannot cut it up according to the geographical limits of particular States.

Take another point. It was said that Gorakhpur was going to be affected. Now, Gorakhpur is the headquarters of an old and tired railway and now we want to do away with that railway. We want to remove the tiredness from it and all the prejudices that ensue from a person or a thing which gets old.

Shri Kamath: No, no. Old is gold.

Shri Gopalaswami: So we want to rejuvenate that railway system. What is it that is being done? The headquarters of a railway which cannot exist as it is any longer is being scrapped and in its place we are going to keep at Gorakhpur the headquarters of two regional units in the combined railway system. There are about 3,000 men employed at Gorakhpur and I am assured by those who have gone into this question in great detail and with great care that when these two new regional headquarters are established at Gorakhpur there will hardly be any movement of a substantial number of these railway servants away from Gorakhpur. The workshops at Gorakhpur are going to be extended and we have schemes for spending about rupees one crore in that

expansion. All that means additional employment. It may be that a few of the officers at the top, owing to the reshuffling in jurisdiction may have to be shifted here and shifted there and so on; but that cannot be a grievance. Railway officers have to submit to that kind of shifting. So far as the people whose interests the House should certainly take care of and protect are concerned, I do not think that any substantial prejudice will be caused to them.

Shri T. N. Singh: Your information is not entirely correct on that point.

Shri Gopaldaswami: My information is based on facts and figures worked out from actual observations and obtained from officers who have got experience of these matters. It is not based upon mere casual statements which we read in newspapers.

Well, I do not want to go into details as to how the U.P. will be affected. But I want to tell this much to the hon. Members. We have received the criticism of our scheme from the Government of U.P. and we have given it the most earnest consideration. We have examined it from every point of view. I have sent out officers to go and discuss this matter with the Chief Minister of Uttar Pradesh. The Chairman of the Railway Board went only the other day to discuss this matter with Pandit Govind Ballabh Pant. He has also contacted many people who may be interested in a scheme of this sort. He held a Press Conference to explain the whole position. We have explained this matter to other people interested in this matter in Delhi. Let me say there is one particular aspect of this matter which has been brought to my notice and it is the amalgamation of the Allahabad Division with the Eastern Railway. That has been put forward as a serious objection. I may tell you that I am giving that particular matter my most earnest consideration, and if it is possible to readjust the scheme and remove this criticism, I shall certainly do so. According to the present scheme, the Allahabad Division will come up to Delhi and that would be included in the Eastern Railway, U.P., I think, generally wants that the Allahabad Division should rather be with Delhi headquarters than with Calcutta headquarters. Well, that is a matter which is worth looking into, and if it is possible, without sacrificing operational efficiency, to meet public opinion and the U.P. Government's opinion as regards that matter, I shall certainly do what I can.

With regard to the other Zones the State Governments have been consulted. The Assam Government have replied. The Bihar Government have been consulted. And as regards the Chambers of Commerce, we have consulted them also, and you will be surprised to hear that while there was an initial reaction against our pursuing with the Zonal system from certain Chambers of Commerce, on their being contacted and being informed about the details of the scheme by members of the Railway Board who had gone out to meet them and explain matters to them, they have changed their opinion. Let me give one illustration. One Chamber of Commerce in Calcutta first protested against it and a member of the Railway Board went there and asked them what their objections were and he explained to them the proposed alterations and the revised letter which I have got from that Chamber of Commerce is that they might prefer three Zones instead of two in that particular area, that is to say, instead of the North-eastern and Eastern Railways, they would have in addition a third railway to cover the same area, and mind you, they subjected this idea to one condition, and that was that the headquarters of all the three new Zones according to their conception should be in Calcutta.

Pandit Balkrishna Sharma (Uttar Pradesh): And they were Calcutta men?

Shri T. N. Singh: What about the U.P. Chamber of Commerce?

Shri Gopaldaswami: That is the position that they took. There is no doubt that Calcutta is the obvious headquarters for each of the Zones, namely, the Eastern and the North-eastern. We certainly are providing for intermediate headquarters in other places to serve the needs of areas included in the whole scheme.

Now, I do not know if I need pursue this regrouping business further. What I would ask hon. Members to consider is that this is a big thing and the big thing has to be brought into existence as a whole within a short space of time, and I hope I shall carry the country with me in this. There was a certain amount of hesitation even in regard to the three Zones already established. I know that people have welcomed those Zones after they got established. I am sure that people in U.P., Bihar and Assam will find that the regrouping we have proposed, if it comes into existence, will give them benefits they had not dreamed of.

Shri T. N. Singh: What is the Bihar Government's view, may I know?

Shri R. K. Chaudhuri: Assam Government has protested against this.

Shri Gopalaswami: I know. Assam wants a Zone for itself just as some body wants a Zone for U.P.

Shri T. N. Singh: Bihar also wants a separate Zone?

Shri Gopalaswami: Yes. We have planned for a regional headquarters at Pandu just as we are putting two regional headquarters at Gorakhpur.

I think I will refer to one point to which my friend Mr. Kamath drew attention. I know how great a champion of civil liberties he is. I can understand his concern for the railwaymen who, when a strike was threatened in 1949, were arrested and placed under detention. He wanted to know how many of these had been released and he also referred, I think, to a judgment of the Madras High Court which said that the rules under which these people have been dealt with are *ultra vires* and illegal. Now so far as our knowledge goes, no Railway employee who was arrested before the strike is in detention. It is only those that were proceeded against under the Special Railway Security Rules that continue to be under detention or suspension. I wish that this distinction may be clearly grasped.

With regard to the latter class, a special set of rules were prescribed and according to the special procedure a Committee of Railway Officers sits on the cases of such men and after hearing him and considering all the facts of the case, it comes to certain findings and those findings are referred to the General Manager of the Railway concerned and he cannot pass orders on them. My instructions are that every one of those cases should come up here and to me for orders. Everyone of these cases has been vetted in that way, and in passing orders I think, if I may claim some credit for being as good a champion of civil liberties as Mr. Kamath is, my bias has been in favour of setting them at liberty or reforming them. I have had in many cases to reject the recommendations that have been made to me on account of this bias which is in me. I am sure that Mr. Kamath's own view as regards the protection of civil liberties will and can change only when he gets into the office some day or other...

Shri Kamath: I hope not. My point was that even after the High Court judgment Mr. Sambandam was not reinstated.

Shri Gopalaswami: As regards that case, that has been brought to the notice of the Railway Board. The effects of that judgment are under examination. Apparently the High Court has discovered that there is some lacuna in the rules themselves which perhaps was the reason why they came to the conclusion that the rules were *ultra vires*. As you know the rule is, we first enquire into the case, we find the man guilty, we take a provisional decision as to what penalty should be imposed on him and the fact that we propose to impose that penalty is communicated to the man and he is given an opportunity to say whatever he has to say about it. Apparently these rules do not contain that second opportunity. The question of what should be done is under examination by not only the Railway Board but by those on whose legal advice the Railway Board has to act in those matters. I can assure my hon. friend that the matter has not been lost sight of and if it is found that these rules are *ultra vires* and if people are being detained under those rules which are illegal, he can take it from me, so far as I am concerned, that no man will be allowed to continue in detention under what is an illegal rule.

Shri Kamath: Will that apply to all detenues like Sambandam?

Shri Gopalaswami: Yes, unless on advice we decide to take it up for instance to the Supreme Court for a ruling.

Pandit Thakur Das Bhargava: Will compensation be paid for illegal detention?

Shri Gopalaswami: I can only say this—as I have to wind up the debate—that with regard to the other matters which I have not had the time to deal with, I shall see that every one of them is examined and a concise note of the views of the Railway Ministry will be prepared and placed on the Table of the House.

Before concluding I wish only to thank hon. Members particularly for the nice things several of them said about me yesterday.

Mr. Chairman: Before I put Demand No. 1 to vote of the House, I would like to ask the hon. Members whether they would like to press their cut

motions. I will take them up one by one. Shri Guha's cut motion:

The question is:

"That the demand for grant on account under the head 'Railway Board' be reduced by Rs. 100."

The motion was negated.

Shri A. C. Guha: I beg leave to withdraw my other cut motion.

The cut motion was, by leave, withdrawn.

Shri B. K. Das: I beg leave to withdraw my cut motion.

the cut motion was, by leave, withdrawn.

Shri Massey: I beg leave to withdraw my cut motions.

The cut motions were, by leave, withdrawn.

Shri J. N. Hazarika: I beg leave to withdraw my cut motion.

The cut motion was, by leave, withdrawn.

Shri Bhatt: I beg leave to withdraw my cut motion.

The cut motion was, by leave, withdrawn.

Shri T. N. Singh: I beg leave to withdraw my cut motion.

The cut motion was, by leave, withdrawn.

Shri S. C. Samanta: I beg leave to withdraw my cut motion.

the cut motion was, by leave, withdrawn.

Shri Barman: I beg leave to withdraw my cut motion.

The cut motion was, by leave, withdrawn.

Shri Jhunjhunwala: I beg leave to withdraw my cut motion.

The cut motion was, by leave, withdrawn.

Shri Kamath: I beg leave to withdraw my cut motion.

The cut motion was, by leave, withdrawn.

Dr. Deshmukh: I beg leave to withdraw my cut motion.

The cut motion was, by leave, withdrawn.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 11,00,000 be granted to the President, on account, out of the Consolidated Fund of India, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1953 in respect of 'Railway Board'."

The motion was adopted.

Shri Kamath: I am pressing my cut motion on Demand No. 4 as no explanation has been given by the hon. Minister.

Mr. Chairman: The question is:

"That the demand for grant on account under the head 'Working Expenses—Administration' be reduced by Rs. 100."

The motion was negated.

Mr. Chairman: Then the cut motions moved by Dr. Deshmukh remain. The hon. Member is not here, so I will put them to vote.

The question is:

"That the demand for grant on account under the head 'Working Expenses—Administration' be reduced by Rs. 100."

The motion was negated.

Mr. Chairman: The question is:

"That the demand for grant on account under the head 'Working Expenses—Administration' be reduced by Rs. 100."

The motion was negated.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 8,55,54,000 be granted to the President, on account, out of the Consolidated Fund of India, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1953 in respect of 'Working Expenses—Administration'."

The motion was adopted.

Mr. Chairman: I will now put all the other Demands.

The question is:

"That the respective sums not exceeding the amounts shown in the third column of the Order Paper in respect of Demands Nos. 2, 3, 5, 6, 7, 8, 9, 9A, 10, 12A, 12B, 15, 16, 17, 18 and 19, be granted to the President, on account, out of the Consolidated Fund of India, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1953, in respect of the corresponding heads of Demands entered in the second column thereof."

The motion was adopted.

[As directed by Mr. Chairman the Demands for Grants which were adopted by the House are reproduced below—Ed. of P. P.]

DEMAND No. 2—AUDIT.

"That a sum not exceeding Rs. 11,64,000 be granted to the President, on account, out of the Consolidated Fund of India, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1953 in respect of 'Audit'."

DEMAND No. 3—MISCELLANEOUS EXPENDITURE.

"That a sum not exceeding Rs. 23,79,000 be granted to the President, on account, out of the Consolidated Fund of India, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1953 in respect of 'Miscellaneous Expenditure'."

**DEMAND No. 5.—WORKING EXPENSES
—REPAIRS AND MAINTENANCE.**

"That a sum not exceeding Rs. 21,40,64,000 be granted to the President, on account, out of the Consolidated Fund of India, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1953 in respect of 'Working Expenses—Repairs and Maintenance'."

**DEMAND No. 6—WORKING EXPENSES—
OPERATING STAFF.**

"That a sum not exceeding Rs. 13,68,72,000 be granted to the President, on account, out of the Consolidated Fund of India, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1953 in respect of 'Working Expenses—Operating Staff'."

**DEMAND No. 7—WORKING EXPENSES—
OPERATION (FUEL).**

"That a sum not exceeding Rs. 11,33,12,000 be granted to the President, on account, out of the Consolidated Fund of India, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1953 in respect of 'Working Expenses—Operation (Fuel)'."

**DEMAND No. 8—WORKING EXPENSES—
OPERATION OTHER THAN STAFF AND FUEL.**

"That a sum not exceeding Rs. 4,71,11,000 be granted to the President, on account, out of the Consolidated Fund of India, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1953 in respect of 'Working Expenses—Operation other than Staff and Fuel'."

**DEMAND No. 9—WORKING EXPENSES—
MISCELLANEOUS EXPENSES.**

"That a sum not exceeding Rs. 6,59,34,000 be granted to the President, on account, out of the Consolidated Fund of India, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1953 in respect of 'Working Expenses—Miscellaneous Expenses'."

**DEMAND No. 9A—WORKING EXPENSES—
LABOUR WELFARE.**

"That a sum not exceeding Rs. 1,28,20,000 be granted to the President, on account, out of the Consolidated Fund of India, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1953 in respect of 'Working Expenses—Labour Welfare'."

**DEMAND No. 10—PAYMENT TO INDIAN
STATES AND COMPANIES.**

"That a sum not exceeding Rs. 10,52,000 be granted to the President, on account, out of the Consolidated Fund of India, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1953 in respect of 'Payment to Indian States and Companies'."

**DEMAND No. 12A—OPEN LINE WORKS
(REVENUE) LABOUR WELFARE.**

"That a sum not exceeding Rs. 50,84,000 be granted to the President, on account, out of the Consolidated Fund of India, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1953 in respect of 'Open Line Works (Revenue) Labour Welfare'."

**DEMAND No. 12B—OPEN LINE WORKS
(REVENUE) OTHER THAN LABOUR
WELFARE.**

"That a sum not exceeding Rs. 1,31,86,000 be granted to the President, on account, out of the Consolidated Fund of India, to defray

the charges which will come in course of payment during the year ending the 31st day of March, 1953 in respect of 'Open Line Works (Revenue) Other than Labour Welfare'."

DEMAND No. 15—CONSTRUCTION OF NEW LINES.

"That a sum not exceeding Rs. 17,14,000 be granted to the President, on account, out of the Consolidated Fund of India, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1953 in respect of 'Construction of New Lines'."

DEMAND No. 16—OPEN LINE WORKS—ADDITIONS.

"That a sum not exceeding Rs. 4,36,78,000 be granted to the President, on account, out of the Consolidated Fund of India, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1953 in respect of 'Open Line Works—Additions'."

DEMAND No. 17—OPEN LINE WORKS—REPLACEMENTS.

"That a sum not exceeding Rs. 16,90,51,000 be granted to the President, on account, out of the Consolidated Fund of India, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1953 in respect of 'Open Line Works—Replacements'."

DEMAND No. 18—OPEN LINE WORKS—DEVELOPMENT FUND.

"That a sum not exceeding Rs. 3,46,68,000 be granted to the President, on account, out of the Consolidated Fund of India, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1953 in respect of 'Open Line Works—Development Fund'."

DEMAND No. 19—CAPITAL OUTLAY ON VIZAGAPATAM PORT.

"That a sum not exceeding Rs. 6,17,000 be granted to the President, on account, out of the Consolidated Fund of India, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1953 in respect of 'Capital Outlay on Vizagapatam Port'."

APPROPRIATION (RAILWAYS) VOTE ON ACCOUNT BILL

The Minister of States, Transport and Railways (Shri Gopalaswami): I beg to move for leave to introduce a Bill to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of the year beginning on the 1st day of April, 1952.

Mr. Chairman: The question is:

"That leave be granted to introduce a Bill to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of the year beginning on the 1st day of April, 1952."

The motion was adopted.

Shri Gopalaswami: I introduce the Bill.

Shri Kamath (Madhya Pradesh): We have been invited to Annapoorna at four o'clock. Does that invitation stand?

Mr. Chairman: I think it is agreed that Annapoorna will wait till five o'clock.

The House then adjourned till Three of the Clock.

The House re-assembled at Three of the Clock.

[MR. SPEAKER in the Chair]

INDUSTRIAL DISPUTES (AMENDMENT) BILL

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

"That the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration."

This is a very small measure. An Ordinance was promulgated and we are now going to place it on the statute book in the form of an Act. There are only two points. One is about the qualification of independent persons. Recently, when a bank case was referred to a tribunal, objections were raised by the employees that the members of the tribunal had certain shares in some banks and were not independent persons. Therefore, provision is being made here whereby the mere holding of some shares will not deprive any one of his independent character.

[Shri Jagjivan Ram]

There are persons of high integrity and impartiality who may be holding a few shares in certain industries or establishments and only on that account they should not be debarred from being members of tribunals.

The other point which was included in the Ordinance itself is to give power to the Government where they apprehend a dispute though a dispute may not be in actual existence to refer such a case also to the tribunals in order to avoid disputes in future. Even after reference, if it is found at a subsequent stage that there are establishments in that industry where there is likely to be a dispute in the future on some of the issues referred to the tribunal, Government may refer the cases of those establishments also to the tribunals. These are the only two points which are covered by this Bill, and I commend it.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration."

Pandit Thakur Das Bhargava (Punjab): In regard to this Bill my submission is that there is more in it than one can ordinarily think of on its first reading. In the first place, as has been pointed out, in regard to clause 2 the provision is very good because the mere fact that some person owns some shares does not make him a "not independent" person. At the same time, the further provision that he should disclose the amount of his interest is also very salutary, because it would indicate to the Government whether a certain person has got more than ordinary interest in the concern. If a person has any interest, it is better that it should be disclosed, so that Government will consider whether that person can be said to be independent or not.

So far as the other provision is concerned, I am afraid I have to say something which may be at variance with what has fallen from the hon. Minister. The first point that needs attention is this. The following words are to be substituted:

"Where the appropriate Government is of opinion that any industrial dispute exists or is apprehended, it may at any time".

This substitution should not be regarded as a matter of course. There exists a very great difference between the provision as it existed before and the one which is sought to be substituted. These words by themselves

are quite all right—"where a dispute exists or is apprehended". An apprehended dispute always is a matter of guess and an apprehended dispute may not be a real dispute. So, the present words "if any industrial dispute exists or is apprehended" are wide enough, but the hon. Minister thinks they are not wide enough. Today, if an apprehended dispute is referred to a tribunal, the person who is dissatisfied with the order of the local Government can take matter to court and see that only a real dispute is referred to a tribunal or an apprehended dispute is referred, but an imaginary dispute is not referred. Usually, when there is a strike people begin to manufacture many points of dispute and many grievances. There may be one or two points in respect of which people feel very much and go on strike, but when the notice of a strike is given and the grievances are being enumerated, so many of them are manufactured and brought into the dispute that each one is regarded as a matter in respect of which the strike will not end. So that, it follows that even these words "an apprehended dispute" give rise to imaginary disputes and when the matter is taken to the court, the court will only be able to see whether there is a real dispute. I remember a case which was taken to the Madras High Court, in which that court held that the reference was not valid, because there was no real or apprehended dispute. But according to this, the matter is taken out of the purview of the court. When the words "If the appropriate Government is of opinion that any industrial dispute exists or is apprehended..." are substituted, it means that the powers of the court are taken away and the Government is the sole judge as to whether a dispute exists, or whether there is an apprehended dispute. My submission is this. In all matters referring to the dissolution of disputes between the employers and employees, the rule which the Government should observe is that they should act with fairness and firmness. If the Government allow people to manufacture disputes and then refer them to courts or tribunals, the disputes are hardened into real disputes. My humble submission is that this should not be allowed.

When we consider the second amendment, the point is brought into still greater relief. There the words are, "or any matter appearing to be connected with, or relevant to the dispute". The words are not "any matter connected with the dispute" but they are "any matter appearing to be connected with or relevant to the

dispute". That means that the Government wants to arrogate to itself the powers whereby whether there is a dispute or not the employers and the employees may be in the hollow of their hands. They want to take unnecessary powers. As a matter of fact, the allocation of powers between the executive authority and the court should be such that such allocation may be for the advantage of the employers and the employees. But Government want to take powers under this clause and we know how these disputes are settled. When a tribunal goes there, all sorts of pressures are brought upon the tribunal.

Shri Venkataraman (Madras): No, no. Certainly not.

Pandit Thakur Das Bhargava: Am I to understand that no pressure is brought upon the tribunal?

Shri Venkataraman: Absolutely none.

Pandit Thakur Das Bhargava: By adding the word "absolutely", my hon. friend has made it clear that "no" cannot be stressed too much. I know of a case in which whenever the tribunal went on the spot, thousands of workers came there and shouted and brought all sorts of pressures. This is my experience. I only know of one case in which I saw this. But there are so many instances in which this sort of pressure has been brought to bear upon the tribunal. When so many persons are on strike and so many persons come and shout, naturally every tribunal will try to do something for the labourers. This is not unnatural and I do not grudge it. I wish that all the tribunals did their work not only in fairness, but also with sympathy towards labourers. At the same time if Government goes out of its way to favour one party then that atmosphere which is conducive to the advantage of both the parties concerned will be missing.

As I said in several cases disputes are manufactured. I know of a case where there were only one or two disputes. When the matter was taken to Government they were enlarged into 17 or 18 disputes. I want powers to be given to the appropriate Governments to see that justice is done to both the parties, and that cases do not unnecessarily go to courts. This is all right so far as it goes. But if in the minds of the employers and the employed there is a belief that they can have their way by pressure tactics then it is a wrong approach. The result of this will be that both the employers and the employees will be injured. In the previous Act we had laid down that the courts shall have

the power to find out if a real dispute existed. We ought to see that these powers are not taken away by legislation. I am not favourably inclined to accepting the provision that Government must be the judge as to whether there is a dispute existing or there is an apprehension of a dispute. Why should Government of all parties be afraid of taking a case to an impartial court. If they cannot satisfy a reasonable judge they ought not to send that case to a tribunal. When the Government enacted the previous legislation they considered all the aspects of the case and came to the conclusion that the courts should be invested with these powers. There is no reason why these powers should be taken away from the courts now.

In regard to the second amendment, under the Act as it stands Government can refer any matter appearing to be connected with or relevant to the dispute to a court for enquiry. Now these matters are to be sent to a tribunal. Matters like this should not be sent to a tribunal when the authority is not satisfied that it is really a matter which is connected with the dispute. This would only go to bolster up differences between employers and employees.

The other change is that a case can be referred to a tribunal where "the dispute is of such a nature that any other establishment, group or class of establishments of a similar nature is likely to be interested in, or affected by, such dispute." For instance in a particular establishment there may not be any dispute; but for fear that a dispute may arise the matter may be referred to a tribunal. This is again a process by which disputes are manufactured. I can understand that a dispute may be of such a nature that if one class or group of establishments takes it to the tribunal and a decision is given, if the decision is favourable to the employees, the likelihood is that that dispute will certainly recur and those persons who belong to the other class of establishments will try to get the advantage of the decision. But the words used here are "the appropriate Government may, at the time of making the reference or at any time thereafter". The difficulty that will arise in this case is that the other establishment or group will not get the advantage of being heard before the tribunal. I am anxious that if an establishment or group of establishments is to be included in such a reference, then that group should have the right of producing evidence before the tribunal. Otherwise, grave injustice is likely to be done.

Shri Bhatt (Bombay): But the words used are "before the submission of the award".

Pandit Thakur Das Bhargava: But there is no specific provision that the other party has a right to be heard.

Shri A. C. Guha (West Bengal): The other day I congratulated the hon. the Labour Minister on a piece of legislation, but I am afraid today I am not able to congratulate him.

This amending Bill seeks to put some retrograde provisions into the previous Act. I can understand the point that merely by holding a casual share in any company a man should not be debarred from being a member of a tribunal. But that does not mean that the door should be kept wide open for any person who may be holding any number of shares. In the amending clause the only thing as a safeguard we find is that the member shall disclose to the appropriate Government the nature and extent of the shares held by him in a company. I think there should be some definite limit beyond which any person holding shares in a company should not be considered to be an independent person. As far as I remember, in the Banking Companies Act some such provision has been made. I think the limit there is five per cent. A similar provision should be made here also. Merely the disclosure of the man's interest in the company should not be enough. Particularly, this Act will be mostly worked by the State Governments, and I am not quite sure how the State Governments or the State Ministers will interpret the law. They may consider even a person who may have twenty or twenty-five per cent share or something like that, or who may have some interest indirectly in the management of the company also, to be a fit person. So I think the hon. Minister will put some definite limit as to the interest of that gentleman who is going to be appointed a member of the tribunal.

There is another provision to which reference has been invited by the previous speaker, Pandit Thakur Das Bhargava. I can understand any group of industries being included in the reference, but it should not be done at a later stage. Here the wording is simply "before the submission of the award" which may mean great hardship for the labourers. A certain influential industrialist may be added as one of the parties in the dispute and he may have a *de novo* trial of the whole thing. The machinery that has been set up under the Industrial

Disputes Act is not so easy for the labourers. First of all, there is the Works Committee, then the Conciliation Officers, then a Court of Enquiry then a Conciliation Board, and then at the last stage is the tribunal. We are now going to add that just before the submission of the award some other party or some other industrialist may be added as a party to the dispute, he may have a *de novo* trial. That would mean many difficulties to the labourers. So my submission is that even if a new party is added, it should be done before the actual hearing of the trial begins.

Another provision is that the tribunal should limit its award only to the particular matter referred to it. But in the course of the hearing the tribunal may find that there is something wrong with that firm or in matters connected therewith, and the tribunal may think it fit that something should be done about that also. If the tribunal in the course of the hearing comes to know of something grossly irregular in the affairs of the firm, why should not the tribunal have the right at least to draw the attention of the Government concerned to the state of affairs which it may recommend for further enquiry? I am afraid the wording here puts a limitation on that. I can understand that the tribunal may not give a definite award on any matters not referred to it, but at the same time the tribunal should have the right to draw the attention of the appropriate Government for a further enquiry on any other matter which may come to their knowledge during the course of the hearing.

I would like the hon. Minister to make necessary amendments to this Bill. Otherwise it will add to the difficulties of the workers. As I have pointed out, the machinery is already a lengthy process, and if now we are going to add something more to the dilatory process of the machinery set up under this Act it will be adding still more to the difficulties of the labourers.

श्री भट्ट : जिस आशय से यह संशोधन हमारे सामने रक्खा जाता है वह आशय पूरा होगा या नहीं, इस के मुताबिक मुझे थोड़ी सी आशंका है। मैं यहाँ पर इस समय कोई लम्बी बहस करने के लिये नहीं खड़ा हुआ हूँ, लेकिन मैं जिन एक दो चीजों की तरफ माननीय

मंत्री जी का ध्यान आकर्षित करना चाहता हूँ उन में से एक यह है कि मूल क़ानून में इंडस्ट्रियल डिस्प्यूट्स ऐक्ट १९४७ में एक शब्द "इंडिपेंडेंट" (Independent) है और उस ऐक्ट की पांचवीं, छठवीं और सातवीं धारा में बताया गया है कि बोर्ड आफ कंसिलियेशन, बोर्ड आफ इनक्वारी और इंडस्ट्रियल ट्रिब्यूनल इन तीनों में जगह जगह पर यहाँ बताया गया है कि या तो चेयरमैन उस का इंडिपेंडेंट होगा या उस के सदस्य इंडिपेंडेंट होंगे। अब यह इंडिपेंडेंट शब्द दाखिल करने से माननीय मंत्री जी के सामने एक दिक्कत पैदा आई है कि सम्भव है अदालत में जा कर कोई भी फ़रीक़ कर देगा कि यह इंडिपेंडेंट नहीं है और उस आपत्ति को टालने के लिये अभी यहाँ एक प्राविजों (Proviso) रक्खा जा रहा है और उस से आशय यह है कि अगर कोई कम्पनी का शेयर होल्डर (shareholder) है तो वह निस्वार्थ आदमी माना जायगा, सम्बन्धित आदमी नहीं माना जायगा, यह इस का आशय है। मेरी इस विषय में यह आशंका है कि इस प्राविजों को रखने के बाद भी उन की बात आगे बढ़ेगी या नहीं, और अदालत वाले उस का क्या अर्थ निकालेंगे यह कहना मुश्किल है। मैं ने Wharton's Law Lexicon को देखते देखते यह पाया है और एक जगह किसी निर्णय में जो कहा गया है वह-में आपको पढ़ कर सुनाना चाहता हूँ

"Such a personal advantage derivable from his judgment as disqualifies a judge from hearing the cause by virtue of the rule.....as where the judge is a shareholder in a company which is plaintiff or defendant in an action;"

वह उन्होंने केस बताया है और फिर आगे चल कर कहत हैं

"in which Lord Chancellor Cottenham, a shareholder in the defendant company, had given a judgment in its favour, the judgment was on that account set aside by the House of Lords."

तो इस में मैं यह मानता हूँ कि क़ानून की दृष्टि से क्या होगा, और अदा-अत क्या अर्थ निकालेगी। लेकिन जिस तरीक़ से हम ने टैरिफ़ कमीशन और फाइनेंस कमीशन में डिस्क्वालिफ़िकेशन (disqualification) के बारे में गुंजायश रक्खी है, वैसी ही कोई गुंजायश इस ऐक्ट में भी रक्खी जाय और यह इंडिपेंडेंट शब्द क़तई हटा दिया जाय, तब तो हम कुछ मतलब हासिल कर सकेंगे नहीं तो मुझे सन्देह है कि यह जो शेयर होल्डर्स हैं चाहे वह एक शेयर होल्डरस हों, या फिर जैसा श्री गुहा जी कहते हैं पांच परसेंट की इजाज़त दी जाये, लेकिन वह किसी न किसी तरह दोनों हालतों में उस से सम्बन्धित हो जाते हैं चाहे वह ज़रा सी चीज़ के लिये हों या ज़्यादा चीज़ के लिये। इस लिये अगर इस मामले को किसी तरह से सुलझा दिया जाता है तो अच्छा रहेगा।

दूसरी बात जो मुझे बताई गई है वह यह है कि इंडस्ट्रियल ट्रिब्यूनल के निर्णय देने के पहले हम किसी भी उद्योग और कारख़ाने को शामिल कर सकते हैं, तो इस का मतलब तो साफ़ है कि जब उन को हम रेफ़रेंस (reference) के लिये शामिल करते हैं तब उन को अपना केस जा कर उन के सामने रखने का मौक़ा मिलता है। इस चीज़ को और कोई शब्दों में स्पष्ट कर दिया जाय या तो मंत्री जी कोई आश्वासन

[श्री भट्ट]

देंगे उस आश्वासन का कोई अर्थ होगा। मैंने इस के बारे में दूसरे मुक्तकों की बात देखी है और आस्ट्रेलिया और दूसरी जगहों में मैंने यहां तक पाया है कि ऐवार्ड (award) दे देने के बाद 'भी अगर कोई इंडस्ट्री पर वहां की सरकार को यह चीज लागू करना जरूरी जान पड़े तो उन्हें उन पर लागू करने का अधिकार रहता है। सरकार के लिये यह निर्णय देने के पहले की बात है, इस लिये इस में कोई ज्यादा गड़बड़ी होने की सम्भावना भी नहीं है, लेकिन यह जरूरी है और अच्छा होगा अगर इस चीज को साफ़ कर दिया जाय। मेरे कहने का मतलब वह "इंडिपेन्डेंट" शब्द के बारे में था और उस के लिये मेरी प्रार्थना है कि माननीय मन्त्री जी खास तौर से सोचेंगे और विचार करेंगे।

(English translation of the above speech)

Shri Bhatt: I doubt whether this amendment would fulfil the purpose with which it has been put before the House. I have not taken the floor to indulge in any long discussion. But I would like to draw the hon. Minister's attention towards one or two things. In the original Act, the Industrial Disputes Act, 1947, it has been provided in Sections five, six and seven that either the Chairman or the Members of the Board of Conciliation, the Board of Enquiry and the Industrial Tribunal would be independent persons. The word 'independent' has created a difficulty for the hon. Minister that some party may possibly plead before the court that such and such is not an independent person. For the removal of that difficulty this proviso is being inserted so that if somebody is a shareholder in a company, he would be considered an independent person and not an interested person. My doubt is whether his point would be achieved even after the inclusion of this proviso and it is difficult to say how the court would interpret it. I quote here from a judgment which I found referred to in Wharton's Law Lexicon:

"Such a personal advantage derivable from his judgment as disqualifies a judge from hearing the

cause by virtue of the rule...as where the judge is a shareholder in a company which is plaintiff or defendant in an action;"

That is the case reference. Further on it says:

"in which Lord Chancellor Cottenham, a shareholder in the defendant company, had given a judgment in its favour, the judgment was on that account set aside by the House of Lords."

So my point is that it may not be interpreted by the court as is intended by the law. I think we shall be able to achieve the purpose if the word 'independent' is altogether removed and scope for disqualification may be allowed in this Act, just as has been done in the case of the Tariff Commission and the Finance Commission. Otherwise, I think that the shareholders, whether they may have one share or, as our hon. friend Shri Guha pleaded, five per cent shares, do become interested. So it would be in the fitness of things if this question is solved somehow.

The second thing which this amendment seeks is that the Government may also refer to an industrial tribunal an industry or an establishment where the dispute may not actually be in existence but is apprehended. Such reference clearly means that we give them a chance to put their case before the tribunal. That thing should be made clear by way of an assurance by the hon. Minister or otherwise. I tried to find out the procedure in this regard in other countries. I found that in Australia and elsewhere the Government have a right to extend the award to some other industry if they consider that necessary. But since here the reference is meant to be made before the award is given, there should not be a possibility of any confusion. But it is necessary and it would be good that the point is cleared. My main point was with regard to the word 'independent' to which I would invite the hon. Minister's special attention.

Shri Venkataraman: So far as the definition of the 'independent person' is concerned, it has been found in experience that it is very difficult to find a person without any sort of interest in any concern whatsoever. If any person holding a few shares in a company or a bank should be disqualified from sitting as a member of the tribunal or even as a member of the court of enquiry or commission, it will leave us very few people so that we may not get the proper men to adjudicate on the disputes with the

result it may so turn out that only people who have no property whatsoever would become competent to decide industrial disputes or to become members of the courts and commissions of enquiry. Therefore, I am not really worrying that by introducing this proviso a very serious harm would be done to the cause of industrial peace in this country. On the other hand, I feel that if the interest is so small, is so negligible that such an interest as holding a few shares is not likely to prejudice the disposal of the dispute before the tribunal or even prejudice the conduct of a Court of Inquiry, then the services of a competent person should not be lost to both labour and capital. But the question always arises which is the substantial interest in each case. There are industries where five per cent. interest may be a very substantial interest in that industry because the industry may be a small one and a person having five per cent. interest may be able to control or influence other persons in such a way as to gain control over that industry. Then in larger concerns, industries spread over the whole country or like industries like the Imperial Chemicals spread over the whole world this percentage would be so negligible that we cannot be sure that any protection could have been obtained as a result of fixing this five per cent. It is always better in such cases to leave it to the good sense of the respective Governments to trust them to use their discretion and see that they do not appoint any person having such interest as is likely to prejudice the disposal of the cases as independent persons of the tribunal. If it is found in the course of experience that notwithstanding persons having large interests in the particular dispute or in the concerns involved in the dispute, they are appointed nevertheless as members of the tribunal or members of the Court or Commission of Inquiry, well, perhaps it would be an occasion when we would even move the court. The High Courts in each province should set right such an appointment. Therefore, I do not think that this proviso will in any way injure the cause of labour or adversely affect the disposal of the disputes pending before them.

The other point raised by my hon. friend, Pandit Thakur Das Bhargava has been pressed by the Employers' Association not only in the Indian Labour Conference which they attended, but elsewhere also. They are undoubtedly apprehensive of the probable effect of this piece of amendment. But if you consider the history of the Industrial Disputes Act and the way in

which it has been worked in several provinces, you will appreciate that such an amendment has become absolutely necessary in the interests of giving a finality to the several disputes pending between labour and capital in the several states.

The first amendment in clause 3 seeks to replace the expression "where an industrial dispute exists" by the other expression "where the Government is of opinion that an industrial dispute exists". The reason for this amendment is that whenever a dispute is referred to a tribunal, the employers always resort to the High Court, move the High Court by way of writ of prohibition saying that there is no industrial dispute and therefore, the tribunal should not be allowed to go on with it. If there is no industrial dispute, you will agree that the tribunal itself is competent to say that there is no industrial dispute and dismiss the case. If your section is so worded that if an industrial dispute exists, it may be referred to an industrial tribunal, it is open to parties—not necessarily the employers, though it is the employers who have always gone to the High Court to say that they believe that the tribunal has no authority to go on and that it should not enter on that reference at all, but the question whether or not an industrial dispute exists and whether or not that reference is competent should be decided in the first instance.

Pandit Thakur Das Bhargava: May I wish your permission enquire this from my hon. friend, whether the tribunal itself will be able to say after it is appointed by the Government that no dispute exists or there is no apprehension of a dispute?

Shri Venkataraman: They have done in a number of cases. The industrial tribunals have given judgments in which they have held that what was referred was not an industrial dispute within the definition of the Act. For instance, I can quote cases where the tribunals in Madras have held that a particular dispute with regard to the discharge of a worker who has accepted the notice pay did not amount to a dispute because there was no pending relationship between the employer and the employed and therefore, there was no dispute at all. When once a tribunal is appointed to go into the question of trying to solve the differences or a dispute between the employer and the employed, the tribunal or any court for the matter of that will be quite competent to give not only the relief which the labour asks or the management asks but also give relief by saying that there is no

[Shri Venkataraman]

dispute pending. It is not a dispute at all within the definition of the Industrial Disputes Act. Why should an authority like the High Court intervene and say even before the tribunal has entered upon its reference, even before it has examined the facts and has found whether or not a dispute exists that it should not enter on the reference at all because one party moves that no industrial dispute exists. I have in my mind the specific case which arose in the Madras High Court, the case of Kandan Textiles and that led to this Ordinance and the amendment. In that case a certain matter was referred to the tribunal. The dispute was with regard to the reinstatement of certain workers besides other points. After the tribunal had given the decision, the party moved the High Court to quash the reference on the ground that at the time when they referred the dispute to the tribunal the Government had not got sufficient information on their file to refer that dispute even though the tribunal found that there was a dispute, even though the High Court itself while passing that judgment said: We do not for a moment suggest that there is no difference or grievance between the employer and the employed. Nevertheless, at the time when the dispute was referred to the tribunal the Government did not have sufficient information with regard to that dispute placed before them by the Commissioner of Labour. This is technicality carried *par excellence*. In fact if these technicalities should be allowed to prevail, labour would get no redress whatsoever from these tribunals. Rightly or wrongly, we both labour and capital agreed to go to the third party to have our disputes settled. It is to that third party that we must look for the final solution of the problem. It should not be left either to the Government to be satisfied in the first instance what they are industrial disputes. It then comes to this that if labour wants to have a dispute referred to adjudication, it must first satisfy the Government that a dispute exists and then again satisfy the tribunal that a dispute exists and that a certain relief should be given. Why on earth, should labour be forced to first satisfy the Government that there is a dispute, and then satisfy the tribunal that there is a dispute and that the dispute should be resolved in a particular way. If the Government has any apprehension or if the Government is of opinion that an industrial dispute exists it refers the dispute to the tribunal so that the

tribunal gets seized of the whole matter, goes into it, hears the evidence and then decides; firstly whether there is a dispute or not; secondly whether it falls within the definition of the Industrial Disputes Act or not; thirdly whether the relief asked for should be given or not. Therefore, it appears to me that this amendment is very necessary and it has been necessitated on account of the interpretation given by the High Court in respect of these very words, namely 'if an industrial dispute exists.' So, I think, even as a person having a civil claim can go to a civil court of small causes or any other civil court for redress of grievances, labour should have the right to go to a court. Government need not be satisfied even before a dispute is referred to a tribunal that there is an industrial dispute concerning that matter. This amendment is most welcome and if this amendment is not carried, a large number of writs would be taken out as was done previously in the months before this Ordinance came into force, almost stifling the progress of the disposal of industrial disputes by the tribunal.

The next question arises as to whether or not when a dispute relates only to certain units in an industry, whether the industrial disputes existing or apprehended with regard to other units in the same industry should not be referred to the same tribunal. I will put a concrete case before the House. Suppose there are seven or eight units in a textile industry. Some may claim higher wages, higher dearness allowances, higher bonus. Once this dispute which exists is referred to a tribunal and an award is given, even though there was no dispute in the other units in the same industry, what happens, the other units also claim, that what was given to the unit in the dispute by the tribunal by the adjudication should be extended to them. The management refuses to abide by that saying firstly that it was *inter partes* and secondly that they cannot afford to give it. The question whether this particular unit can afford it has again to be examined by the tribunal and in order to obviate multiplicity of proceedings, it becomes necessary that where a dispute exists between a certain number of units in a particular industry like textiles or cement, it is much better that the disputes in respect of all the units in that industry are referred to the same tribunal so that there may be uniformity in the award of the tribunal. Otherwise,

certain units may go before one tribunal and certain others may go before another tribunal. One tribunal may take a lenient view; another tribunal may take a stricter view and instead of solving problems and instead of setting at rest industrial disputes, it will give rise to many more industrial disputes.

There was a similar reference in Madras in respect of engineering industry. There were certain disputes between certain units of the engineering industry and the management. There were other engineering units in which there were no disputes. Nevertheless the Government of Madras thought that if they referred the whole dispute in the industry to a certain tribunal, the tribunal may be able to find a solution for all the existing disputes or problems in the engineering industry and it may be able to preserve peace in the engineering industry, for a period of one year during which the award is in operation. After the award was given, certain units of the industry went to the High Court and said that there was no pending dispute between this unit of the industry and labour, and that a general reference of the kind as was contemplated and as was passed by the Government of Madras was wrong and that contention was upheld by the High Court in the case of Kutty and Rao vs. Industrial Tribunal and it was held that no general reference of any kind affecting labour and capital in any particular industry can ever be made to a tribunal. A general reference was held invalid. I am sure the House will agree that it is much better to have the disputes in respect of a particular industry settled at one time if it is possible and in order to do that it is better that all the disputes in that industry are referred to the same tribunal at the same time. Far from this amendment taking away any opportunity or causing any difficulty to the management, it will certainly help the tribunal to establish industrial peace in the State or in the province if a general reference of this kind is enabled by means of this provision.

I have only to refer to one more criticism of my hon. friend Pandit Thakur Dás Bhargava, and that is with regard to the reference of disputes at any time before the submission of the award. So far, I have been explaining that it is advantageous to the Government to refer disputes between all the units in an industry and the labour. In some cases, after a dispute has been referred in respect of some units in an industry, other units also raise a dispute. In

the case of motor transport in Madras, the original reference was made in respect of a few motor companies and their employees. Then, subsequently, a number of labour unions started filing claims and raising disputes with regard to their pay and allowances. Then it became necessary for the Government to refer those disputes also to the industrial tribunal even though at the time when the original reference was made there was no dispute between these unions and the management. That was also held to be invalid in Madras, because under the law as it then stood, before a reference was made, a dispute had to exist. Therefore, if a dispute is referred either at a time when a dispute between a certain unit in the industry and the labour existed or even subsequently before the final award is given, it will only facilitate final disposal of the problems relating to labour and management rather than hinder in any way the relationship between them. My hon. friend Pandit Thakur Das Bhargava thought that by stating that reference may be made before submission of the award, the right of the parties to make representation may be taken away. I do not know where he gets that from. On the contrary, it has been my experience in all industrial tribunals that once a fresh reference is made, then notice is sent to the parties, the parties are heard, further evidence as they want to adduce is tendered and then only is the final decision given. I have never known of any case in which actually the moment the reference is made to the tribunal, the tribunal passes the award without hearing the parties. I am not quite sure whether if such an award is passed it would be valid because the procedure laid down with regard to the disposal of references is that the parties should be heard, and after giving an opportunity to the parties, the tribunal shall give an award as expeditiously as possible. If that is the law, even though a reference is made before the final passing of the award, the procedure laid down must be followed and it is incumbent on the tribunal to give notice to the parties, hear them and then only pass the award.

I welcome this amendment. But, I would have welcomed one more clause with regard to the definition of the word "employee". The law as it stands restricts the scope of the application of the Industrial Disputes Act only to persons doing clerical or manual work. There are large classes of persons who are employed in technical and supervisory capacities.

[Shri Venkataraman]

The decisions of industrial tribunals have been to this effect that they are not governed by the Industrial Disputes Act. Any dispute between technical and supervisory personnel and the management is not governed by the Industrial Disputes Act and they have no right to go to an industrial tribunal. This has caused serious hardship to technical and supervisory personnel and they are absolutely without any relief, any remedy for the redress of their grievances. This was brought to the notice of the hon. Minister time and again. I remember that even in the Labour Relations Bill, when the Select Committee was hearing evidence, the All India Technical Supervisory Personnel of the textile industry came and gave very strong evidence, convincing evidence regarding the urgent necessity for changing the definition of the word 'employee' so that not only those doing manual work may be protected, but also those doing technical and supervisory work also may be protected. I would have very much welcomed if when such a Bill as this is brought in to remedy some patent defects in the existing Industrial Disputes Act, this point also had been included in it. But as it is too late now I can only hope that the hon. Minister will do something at least to see that an Ordinance is issued to that effect, after this House rises.

Mr. Speaker: I wish the hon. Member had said "Bill" instead of "Ordinance". This is rather undemocratic.

Shri Jagjivan Ram: My friend Shri Venkataraman has very much lightened my task as he has dealt with most of the points raised in connection with this Bill.

My hon. friend Shri A. C. Guha started with the criticism that the provisions in this Bill are rather retrograde. I was surprised to hear that. May be they appear retrograde at first glance due to ignorance of the difficulties which Government have had to face in finding independent persons to serve on these tribunals. As soon as objection was raised in the bank dispute case, we started the search and it took us a lot of time to find out persons who did not hold any shares in any bank. We had to enquire from them whether they held any shares and if they replied in the affirmative, we had to request them whether they were prepared to transfer their shares. And as a matter of fact, in order to get over this difficulty we had to persuade some judges to

sell off their shares and then sit on the tribunal. Of course, Government do see that persons who really hold some substantial interest in the concern or establishment should not be on the tribunal and that is why we want them to disclose to us the number of shares or the interest they have held so that we may, or rather the appropriate Government may decide whether to appoint them on the tribunal or not. To lay down a limit expressed in terms of a certain percentage of the shares, as has been suggested by Shri Guha will not solve the difficulty, because as has been pointed out by Mr. Venkataraman, in some cases five per cent. may be negligible and in very big concerns even this five per cent. of the total assets will be a very substantial amount. So it is better to leave it to the appropriate Government to judge when once the disclosure has been made, whether to appoint the particular person on the tribunal or not.

Pandit Thakur Das Bhargava has rightly interpreted the present amendment. The intention is that once Government comes to the opinion that there is in existence some dispute or some dispute is apprehended, there should not be any judicial inquisition as to how the Government came to that opinion. This is the intention of this amendment. There are cases of industries where in certain units there are disputes, and if we have to prove it judicially whether we had enough of material to be satisfied that there was a dispute in existence we could produce sufficient material. But there are also cases, especially in these units of industry where the workers are not well organised and where out of fear of the employers, though their conditions are worse off as compared to the workers in other units in the same industry, they are not in a position to raise a dispute. And so a dispute will not be in existence. But it comes to the notice of our officials or the Government that the conditions of the workers in such and such a unit of a particular industry is very pitiable. The workers are in such a disorganised state that they cannot raise any actual dispute. But all the same, Government feel that the dispute may arise tomorrow or ten days later on or a month hence, and so Government makes that reference. So it is a case of apprehended dispute. If we are to prove it in a court of law on what material we apprehend a dispute in that particular unit, that will be very difficult. All the same we are satisfied and have no doubt on the point, that here is a fit case for

reference to the tribunal and we do refer that case to the tribunal. Cases like this arose in Madras, and when this defect was pointed out to us, we thought it would be better to so amend the Act that a reference by Government may not be question in a court of law as to whether we had enough of material to come to the conclusion that there was in existence a dispute or a dispute was apprehended. The labour-capital relation is a very delicate mechanism and it has to be tackled delicately too. Too much litigation sometimes exasperates the workers.

Shri Venkataraman: Hear, hear.

Shri Jagjivan Ram: Instead of solving disputes, this sometimes accentuates them. Therefore, efforts should be made to curtail the chances of litigation as far as possible. I know of cases where reference of an entire industry has been made to a tribunal and no objection has been raised by the employers. But there have been, on the contrary, some cases where employers have pursued the case from court to court and the process has been interminable with the result that the disputes had been pending for the last three or four years. They sometimes take advantage of that very wide provision in our Constitution and try even after the awards had been given by the tribunal, to go from the High Court to the Supreme Court. I do not want to say anything about the judgments of the courts; but I was only pointing out that it takes so much time that workers sometimes doubt whether this machinery is doing any good to them or not, whether they should go in for these adjudications or not, or whether they should try their own strength and measure it with the employers and themselves solve their own problem. Therefore, what this provision seeks to do is to curtail the possibility of the cases being taken to the High Courts or the Supreme Court even before the tribunals had started functioning.

The second point is with regard to these words "appearing to be connected with". These words have been purposely introduced in order to safeguard against the matter being taken to the court to prove whether the matter was connected with it or not. If we say "connected with" then we will have to prove judicially whether it is connected with it or not. What will happen will be that before referring the matter to the tribunal we will have always to proceed in a judicial manner and decide whether the matter is connected with the dispute or not. It means that the work which is to be

done by the tribunal will have to be first done by the Government and their officers. Therefore, these words "appearing to be connected with" have been purposely introduced. It may be that if we refer ten matters, eight of them may be directly connected with the dispute and two may be such that on the face of it may appear to be connected with the dispute and our officers in the Secretariat may feel that these two are also matters connected with the dispute. But if it is attempted to prove it in a court of law, it may be proved that strictly speaking they are not connected with the dispute. And so when eight points are connected and two are not connected with the dispute, some High Court or the Supreme Court may hold that the reference of these ten points is *ultra vires* and then the whole thing will be protracted. Therefore, these words "or any matter appearing to be connected with" are proposed to be introduced.

4 P.M.

A point has been raised that all these processes encourage manufacture of disputes. I do not know what basis one has to say that. Sometimes it so happens that when a dispute arises, we get certain demands from the workers which are the basis for that dispute and when we analyse that we find that the issues can be better placed if the five demands are split up into seven demands. So if you mean by that that the disputes are manufactured when they come to Government offices, that is not correct. Sometimes we curtail the issues but we do not increase. It has been said that there may be obvious existence of disputes in certain units. In certain units disputes may be apparent and in certain units disputes may not be in existence. Still we refer those cases to the tribunals. I need not argue that at any great length. Mr. Venkataraman has done that and even my friend Pandit Bhargava agrees with that that it is necessary to refer them. Again, before the award has been given it might become necessary in some cases where in that particular industry there may be one or two units which at the time of the original reference we had no knowledge of. When it comes to our notice we feel that it will be better to refer the cases of these two units also to the same tribunal so that subsequent disputes may not have to be referred to some other tribunal because divergent awards given by two tribunals will create further complications. I think that even if it is not specifically provided, whenever any reference is made

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at a subsequent stage to a tribunal, the parties will be given proper hearing and it should be only after the proper hearing of the case of the parties that the award should be given in respect of those references or they should be included in the award.

Shri A. C. Guha: Will it not mean practically a *de novo* trial?

Shri Jagjivan Ram: It will not mean a *de novo* trial.

Pandit Thakur Das Bhargava: I should think that it is a very salutary provision. I want that it may be specifically mentioned that if a new reference is made or in the same reference new persons are ordered to be made parties then the tribunal may give a fresh opportunity to the parties to represent their cases.

Shri Jagjivan Ram: I have no objection to that. I do not know whether express provision for that will be necessary and if it is necessary, I have no objection to providing for that by a proviso.

Pandit Thakur Das Bhargava: Previous procedure only contemplated one reference. It is quite right that usually the procedure in every party is allowed to be heard because it is a new reference. Therefore, if you make a provision, it will be explicit.

Shri Jagjivan Ram: I have no objection to that.

[SHRIMATI DURGABAI *in the Chair*]

Shri A. C. Guha: My apprehension is on the other side, that it may mean a *de novo* trial so that it will lengthen the proceedings.

Shri Jagjivan Ram: Mr. Guha's apprehensions are all theoretical.

Shri Naziruddin Ahmad (West Bengal): He is absolutely theoretical. He has not married.

Shri Jagjivan Ram: I am told that no express provision for that is necessary. The tribunals have followed the procedure laid down for the disposal of cases and that procedure is to issue notices and hear parties and then give the award.

Shri Bhatt: It is laid down in Section 18 of the Industrial Disputes Act that the award shall be binding on all other parties summoned to appear in the proceedings as parties to the dispute.

Shri Jagjivan Ram: I have been advised by the legal experts that no express provision is necessary. I assure you that it should be after the parties have been heard that the award must be given.

Now my friend Mr. Guha's apprehension is that there will be much more delay. One thing I want to make clear is that there is provision for workers committees, negotiation, conciliation and adjudication in the Industrial Disputes Act. But all those stages are not compulsory. It is not necessary that before a dispute is referred to a tribunal it should pass through all the stages of negotiation, Conciliation Officer, Conciliation Board etc. If in the first instance the Government is satisfied that there is a dispute and that the dispute is of such a nature that it is not likely to be resolved by Conciliation Officer or the Board of Conciliation, then no Board of Conciliation is appointed. The dispute will be referred to a tribunal. All those stages that you find in the Industrial Disputes Act are not compulsory in the case of each dispute and here your apprehension is that it will be delayed by the employers. The primary intention of making this amendment was to help the workers and I think it will help the workers and will be instrumental in preserving industrial peace to some extent.

My friend Mr. Venkataraman has raised the question of supervisory staff. It has been only in the last one or two years that the supervisory staff has come to realise that they should cast their lot with the workers. Previous to that they regarded themselves more or less as a part of the management and did not like the idea of identifying themselves with the workers. Now this realization has dawned on them that it is more advantageous for them to identify themselves with the workers. I welcome this realization and I have every sympathy with the way in which they also are fired off by the employers and it is time that the interests of these people also are protected to some extent especially of those mechanics who, for all intents and purposes, are workmen but have the status of being called supervisory staff. They are at the mercy of the vagaries of the employers. We have made provision in the Labour Relations Bill and the Trade Unions Bill to provide for them and I will advise my friend Mr. Venkataraman to wait till those Bills are passed by the new Parliament. I commend the Bill to the House for its acceptance.

Mr. Chairman: The question is:

"That the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration."

The motion was adopted.

Clause 2.—(Amendment of section 2 etc.)

Mr. Chairman: There is an amendment of Mr. Kamath that clause 2 be omitted.

Shri Jagjivan Ram: That is no amendment.

Shri Kamath (Madhya Pradesh): I would like to speak on that clause.

Mr. Chairman: He can speak, but before that I want to know from Mr. Guha whether he is going to move his amendment.

Shri A. C. Guha: The hon. Minister has stated that my amendment is due to ignorance, but I am not so ignorant about the difficulties Government had felt over the Banking Tribunal. Anyhow when the Minister is not willing to accept my amendment I do not like to move it. At the same time I would ask the hon. Minister to make it a point to see that the appropriate Governments, which means in most cases the State Governments, may really take care to see that a person who has got a substantial share in any concern connected with the dispute is not put on the tribunal. My hon. friend may have much confidence on the State Governments but, I, as a layman, have not got so much confidence. That was why I gave notice of that amendment, but when he is satisfied that the appropriate Government will act properly according to his direction, it is his headache—why should I bother about it?

Shri Kamath: I was banking upon my friend, Mr. Guha, to move his amendment, now I find he has backed out of it.

Shri Jagjivan Ram: Now he has grown practical.

Shri Kamath: I do not know whether he has grown practical or whether he is more amenable to the hon. Minister—It is a matter of opinion, but if my hon. friend, Mr. Jagjivan Ram thinks he is more practical, he is welcome to that interpretation of his attitude—but I personally think that he has shown himself quite amenable to his wiles, I am sorry, wishes and suggestions. I have been left completely unconvinced by the arguments advanced by the hon. Minister that he has found it so very hard to secure the

services of truly independent men. It is an irony of fate that though we have attained independence of a sort we find it difficult to obtain even a handful—after all, not many people are needed to man these tribunals and it is very sad to hear that in a vast country like ours of 300 million and odd population it is so hard to pick and choose a handful of truly independent men who have.....

Shri Jagivan Ram: No shares.

Shri Kamath:.....no shares in the particular industry about which there has arisen a dispute.

Even assuming that that is a fact, that his experience is that he has not been able to find independent men, I do not know whether he has thrown his net fairly wide or whether he has confined himself to a few, to a charmed circle. If that be so, I can understand his difficulty. Within the charmed circle, of course, there will not be many independent men available, but if he had the will to move out of the narrow circle and go further afield, I do not think he would have experienced that much difficulty in picking truly independent men. If, as he says, no independent men are available, then I feel that much of the purpose of this legislation would be frustrated. A person who has some share in the concern cannot be expected to be wholly independent, as human nature and human conduct go. I would have therefore alternatively welcomed the fixation of a limit as was suggested in Mr. Guha's amendment which I am sure would have been acceptable to a reasonable Minister. But on the one hand Mr. Guha has chosen not to move it, and...

Shri A. C. Guha: Because I do not find the hon. Minister reasonable.

Shri Kamath: And I suppose under the rules I cannot move an amendment standing in some other hon. Member's name. If it is permissible I would myself like to move the amendment tabled by Mr. Guha and leave it to the good sense of my hon. colleagues in the House, if not of the hon. Minister, to decide as to whether this is not a reasonable attitude to take in this matter: fix the percentage of shares; make it five or ten per cent., whatever you want, but do fix a limit by all means. If this Bill is passed, a person holding 25 per cent. or even 50 per cent. shares, shall we say, if he is *persona grata* in some quarters or a favourite in some quarters, may be taken up. After all, the hon. Minister has stated that

[Shri Kamath]

he will leave it to the State Government to decide and Mr. Guha has mildly hinted at the ability or inability of some of the State Governments to make a wise choice in the matter. So, as Parliament of India, of the whole Union, I think we should step in here and try to impose certain restrictions as regards the selection of persons and as far as possible we should make it incumbent on the Governments concerned to choose really independent men. If five per cent. is not acceptable let us make it 7½ per cent. or ten per cent., but let us fix a limit as regards the number of shares that a person may own in the industry concerned. If you will allow me I will therefore move this amendment of Mr. Guha and let the House decide.

Mr. Chairman: I am afraid I cannot permit that. If the hon. Minister is agreeable he himself can move that amendment.

Shri A. C. Guha: If he is agreeable he can easily adopt this amendment with modifications.

Mr. Chairman: No, he is not agreeable. That he has already indicated.

Shri Naziruddin Ahmad: So far as clause 2 is concerned it adds a proviso that no man shall cease to be an "independent person" by reason only of the fact that he holds shares in the concern affected but that he should disclose to the appropriate Government the extent of his share-holding. I think this proviso is open to two serious objections. The first objection is based upon the principle that any man who is interested in the case to be tried would be disabled from trying the case altogether. It is not a question of getting an honest man to deal with the case. I believe there are many honest men who can judge their own cases quite impartially as any other man. That is not, however, the question. The real principle is that it is not enough that justice should be done, but it is necessary that justice must also appear or seem to be done. The moment there is a suspicion against the judge or there is a little hesitation about the impartiality of the judge on account of his having any interest in the subject matter of the trial, that very moment it becomes highly improper that he should try the case, not on the ground that he is unable to do justice because he is interested but because the position of a judge should be above suspicion like Caesar's wife. In these circumstances, I submit that the proviso introduces the right principle, but in a most half-hearted

manner. I think that that disposes of the first part of the objection.

The second objection is that the person has to disclose the extent of his interest in the concern. The proviso does not give us any indication as to what would happen in case the disclosure shows that he has an interest. The far better thing would have been to disable a person altogether if he holds any shares. It may be that the disclosure may come at a late stage and then the Government would be in a most invidious position. The gentleman is going to try the case and at the same time there is this difficulty. There is this vague provision that by reason of his holding shares alone he is not disqualified. This is so indirect and negative in its effect that it gives us no indication as to what the Government would do. Then the Government will have to see and weigh in a delicate chemical balance as to the exact extent of his interest. Not only that. This nice weighing will depend upon the personal factors. It is again the Secretary of a Department who will have to weigh and I do not think the scale would be delicate enough in these circumstances. So, I submit that you should altogether debar that person who has an interest in the company. That is a well established principle. It is not based on grounds of suspicion, but on grounds of high public policy. A ruling has been read by one of the speakers to the effect that the judge's interest was enough to vitiate the trial. I think that public justice should be placed above suspicion. In these circumstances, the proviso should be re-written in order to make it clear that no man having any interest in any concern shall be a judge in his own case. It may be a very slight interest, but at the same time unconsciously it may weigh in his mind. There is such a thing as what jurists call "unconscious bias". Then the effect of the disclosure is left indefinitely hanging in the air. What happens if he discloses an interest? It is a difficult and delicate question to measure and weigh the amount of bias that may possibly come into the case. I think the whole proviso is made very difficult of application. I think the high objective is defeated by the roundabout and circumspcct manner in which the provision is framed.

Mr. Chairman: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Amendment of section 10 etc.)

Pandit Thakur Das Bhargava: I wish to say a few words on this clause. In regard to this, I have heard two or three arguments against the arguments which I had submitted for the consideration of the House. Although these arguments have weight, they do not fully satisfy me. I did not know at the time I spoke that some Manufacturers' Association had also raised a point about this, because I do not represent the manufacturers in this House. I represent more the labourers because I have great sympathy for them. At the same time, my difficulty is that the arguments advanced by the hon. Minister and Mr. Venkataraman seem to indicate that not only a case where there is a real dispute or a dispute is apprehended will be referred to a tribunal but even in a case where there is absolutely no evidence of a dispute or apprehended dispute, the Government is of the view that such a case may also be referred to the tribunal. I never knew that such cases do exist. If the Government is of this view, that the labourers in some cases are so terrified that they will not have the courage to represent their grievances against the employers and the dispute though it may not be even in embryo yet in potential seed form it may exist, it cannot be said to be an apprehended dispute. Disputes are likely to result in the imagination of the labour officer or perhaps in the imagination of the Government, and the employees may not even be conscious of them. If the Government want to provide for such cases, I can understand Government's taking power for an unfounded assumption. Further, I doubt the soundness of Mr. Venkataraman's opinion. Of course, he knows it better because he has been doing these cases. My own view is that if the Government first of all certifies that there is a dispute or an apprehended dispute and appoints a tribunal, then so far as that tribunal is concerned, it will be very loath to find that there is no dispute. It would mean the creature finding fault with the creator. Government comes to the conclusion that there is a dispute or an apprehended dispute. Will the tribunal which owes its existence to that certificate from the Government or that opinion of the Government decide that there is no dispute? I for one would be satisfied if the opinion of Mr. Venkataraman was pursued logically and given effect to. It would amount to this. In an ordinary case, when a plaintiff goes to the court,

he goes on a certain cause of action and an issue can be raised if cause of action exists and the defendant knows and prepares his defence on this basis. In this case, according to the very wording of this section, the employee or the employer cannot go directly to court. Government has to intervene. It has to come to a conclusion as to whether there is a dispute or an apprehended dispute. As to whether that Government conclusion is right or wrong, nobody can judge. So, the comparison which Mr. Venkataraman made between a plaintiff and a defendant does not hold good here. In my humble judgment, this is a case of a special nature. The words are "In the opinion of the Government a dispute exists or an apprehended dispute exists". So, I can understand it if you do not want to give the power to the court, but the Government itself has no power to refer any dispute to a tribunal unless the Government is satisfied that there is a dispute or an apprehended dispute. The example which the hon. Minister gave leads me to think that the Government is of the view that even if there is no dispute or apprehended dispute, Government has got the right of sending the case to a tribunal. If that is so, then I certainly did not fully comprehend the meaning of this clause. As long as these words are there, and you do not give the power to the court to revise the case subsequently, it will be the duty of the Government to refer only those cases where it is strictly of the opinion that a dispute exists. Government cannot send any case to a tribunal unless it is of this opinion. The Government may not decide it judicially. I can understand that. And if there is no evidence, if there is nothing on the record, but the Government comes to a conclusion from certain facts that there is an apprehended dispute, even then the court will not question it. When you read section 10 along with section 12(4) the position becomes still clearer. Section 12(4) reads thus:

"If no such settlement is arrived at, the conciliation officer shall, as soon as practicable after the close of the investigation, send to the appropriate Government a full report setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances, and the reasons on account of which, in his opinion, a settlement could not be arrived at."

[Pandit Thakur Das Bhargava]

This is important. Then read sub-section (5):

"If, on a consideration of the report referred to in sub-section (4), the appropriate Government is satisfied that there is a case for reference to a Board or Tribunal, it may make such reference. Where the appropriate Government does not make such a reference it shall record and communicate to the parties concerned its reasons therefor."

Shri Venkataraman: That section relates only to public utilities and not to ordinary undertakings.

Pandit Thakur Das Bhargava: It refers to ordinary cases also. The conciliation officer can go and find that there is no dispute.

Shri Jagjivan Ram: It is not compulsory for him.

Pandit Thakur Das Bhargava: I do not say it is compulsory for him. I am referring to a case in which a conciliation officer goes there and is satisfied that there is no dispute and makes a report to that effect. Yet, the Government appoints a tribunal. It ignores the opinion of the conciliation officer. Even when this man has said that there is no dispute, Government takes it into its head, ignoring the provisions of section 12 (4), to refer the dispute to the tribunal. It refuses to consider the labour officer's report and without the report even arriving in the office of the Government, Government makes a reference and appoints a tribunal. It is not an imaginary case. This is not an imaginary fear. I know of cases where Government in order to avoid pressure upon them refer cases to tribunals without considering the merits of the case and report of conciliation officer. As has been pointed out by my hon. friend Mr. Venkataraman himself there have been cases where tribunals appointed under section 10 have also held that there was really no dispute. If that is so, it clearly follows that Government do not exercise sound discretion. What happens then. The result will be that the powers of the courts will be taken away, and Government will have arbitrary power of sending cases to tribunals in which there was no dispute or only fear of an unfounded dispute. I know of cases where to the existing grievances Government have added more grievances. Nobody disputes the fact that industrial

peace is quite essential for the country. But by taking these vast powers you are doing away with the salutary influence of the courts. There are cases in which the High Courts have held that there was no real dispute. If frivolous matters are referred to tribunals, the result would be that even though the tribunals may give their awards, the real disputes will persist and imaginary ones will be bolstered up. In the interest of industrial peace it is better that these powers are kept in the hands of the courts. Government should act with fairness and firmness. If there is firmness labourers will be better served. It is in nobody's interest to take up and refer unfounded and imaginary disputes.

I would therefore request the hon. Minister kindly to look into the matter more carefully.

Mr. Chairman: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 and 5 were added to the Bill.

Clause 1 was added to the Bill.

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

Shri Jagjivan Ram: I beg to move:

"That the Bill be passed."

Mr. Chairman: Motion moved:

"That the Bill be passed."

Shri A. C. Guha: I have one point to put before the hon. Minister. In the proviso to clause 2, would it not be better to specify as to when he will make his disclosure?

Shri J. R. Kapoor (Uttar Pradesh): It should be laid down that he will make the disclosure before embarking on his duty.

Shri Jagjivan Ram: Unless he discloses, he will not be appointed.

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

CONTROL OF SHIPPING (AMENDMENT) BILL

Mr. Chairman: If the House agrees, I would like to call upon Mr. Santhanam to move his two Bills, because he has made a request that he be allowed to move his Bills in preference to others. They are formal Bills and there are no amendments either. His colleagues have agreed to it.

The Minister of State for Transport and Railways (Shri Santhanam): My Bills are purely formal and I do not think anybody need be worried that they will be passing something which they do not know.

I beg to move:

"That the Bill further to amend the Control of Shipping Act, 1947, be taken into consideration."

This Act was passed in 1947 in order to give power to the Government of India to regulate the coastal trade of India so that we may reserve coastal trade for Indian shipping. It was given a five-year period. Before this period was over it was expected that we would be able to amend the Merchant Shipping Act and incorporate these provisions therein. But it has not been possible to take up the revision of the Merchant Shipping Act. Now this Bill merely extends the period from 1952 to 1954. We have reserved coastal shipping for Indian ships and we cannot continue that reservation unless this Act continues to be in force. Otherwise, we will have no power to prevent foreign shipping competing with our ships for coastal trade. That is the sole purpose of this Bill. I hope the House will accept the motion.

Mr. Chairman: The question is:

"That the Bill further to amend the Control of Shipping Act, 1947, be taken into consideration."

The motion was adopted.

Clauses 1 and 2 were added to the Bill.

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

Shri Santhanam: I beg to move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

BOMBAY COASTING-VESSELS (AMENDMENT) BILL

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

"That the Bill further to amend the Bombay Coasting-vessels Act, 1838, be taken into consideration."

Shri Naziruddin Ahmad (West Bengal): May I point out that this is a long Bill containing several amendments. We are supposed to do some duty.

Shri Santhanam: I shall explain them.

Shri Naziruddin Ahmad: I am not clever enough to understand the explanation on the spur of the moment: I have not come prepared for it.

Shri Santhanam: This Bill has been on the agenda for over a month and not a single Member has chosen to table any amendment. Presumably the Bill has been found to be wholly unexceptionable.

Mr. Chairman: The hon. Minister may proceed with the Bill.

Shri Santhanam: We have not got any legislation regulating sailing vessels plying on our coasts. We have got an Act only in the case of Bombay. The State Legislatures have no power to make a law in this regard. All that is being done in this Bill is to enable the extension of the Bombay Coasting-vessels Act to the entire India, wherever necessary. It does not extend the Act automatically, but gives power to the Government of India to extend the Act to other areas. This has become necessary particularly in Kutch and the Saurashtra coast to regulate the sailing vessels. It is merely an adaptation of the existing Act to the new purposes.

Shri Kamath (Madhya Pradesh): May I ask why this Bill is being taken out of turn today? Is it necessitated because the transformation of the hon. Minister into a Lieutenant-Governor is due tomorrow, or as soon as all that? I hope not. I hope he will be with us till the end of the session.

Mr. Chairman: As far as the procedure is concerned there is nothing objectionable. But with regard to the reason for taking up this Bill today, it may not be that, it may be only for his convenience.

Pandit Thakur Das Bhargava (Punjab): It is a very good reason also!

Mr. Chairman: The question is:

"That the Bill further to amend the Bombay Coasting-vessels Act, 1838, be taken into consideration."

The motion was adopted.

Clauses 1 to 10 were added to the Bill.

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

Shri Santhanam: I beg to move:

"That the Bill be passed."

Mr. Chairman: Motion moved:

"That the Bill be passed."

Shri Naziruddin Ahmad: I wish to speak simply for one reason, that is that the hon. Minister who is very hard-working not only as a Minister but also when he was a Member, cannot expect every Member to come prepared as he does. The difficulty with individual Members is they have to tackle with about thirty Bills simultaneously, whereas the hon. Minister has only one or two Bills to support and he has come thoroughly prepared with the aid of his own Secretariat. This Bill stood far below in the list today, and to expect that every Member simply because he has got a copy of the Bill has come prepared to meet all possible points is to expect the impossible. I fully confess that I was unable to look into the provisions. We have a right to consider that the order in which the Bills are set down on the Order Paper has some meaning, and we have a right to consider them in a serial order. It is not possible for all Members to come prepared with all Bills. But as there is a special case so far as the hon. Minister is concerned, namely that we are to lose him very soon, it is better that he should move this Bill now.

I support the motion, but I suggest that in future some previous indication of any change in the programme should be given to the poor Members.

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

Shri Kamath: Is the Minister, the hon. Mr. Santhanam, in a position to state that he will not move any more Bills in this House?

Shri Santhanam: I do not think any Member has a right to ask for any such undertaking.

Shri Kamath: Every Member has the right to ask, but a Minister need not answer.

INFLAMMABLE SUBSTANCES BILL

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

"That the Bill to declare certain substances to be dangerously inflammable and to provide for the regulation of their import, transport, storage and production by applying thereto the Petroleum Act, 1934, and the rules thereunder, and for certain matters connected with such regulation, be taken into consideration."

The Bill before the House does not seek to tread any new ground but is merely aimed at removing a possible legal anomaly. Sub-section (1) of section 30 of the Petroleum Act empowers the Central Government to apply by notification in the Official Gazette any or all of the provisions of the Act to any dangerously inflammable substance other than an explosive and thus regulate the transport, storage, production, etc. of that substance. The provisions of the Petroleum Act have accordingly been applied to a number of substances. These are seven in number and they have been mentioned in clause 3 of the Bill. These notifications have been issued after the Government of India Act, 1935 came into force—on 1st April, 1937. Although the validity of these notifications was not actually questioned in any court of law, Government are advised that since the coming into force—since 1st April 1937—of the 1935 Act, sub-section (1) of section 30 of the Petroleum Act could not be regarded as a valid provision of law. The position is the same even now under the Constitution. According to that opinion, the dangerous substances have to be declared by a law passed by the Central Legislature and that it could not be done merely by the issuing of a notification under an Act which was passed before 1937. Accordingly this Bill now seeks to remove that legal anomaly by declaring the substances which were already declared by notification by the Government as dangerously inflammable.

This question came up in a practical form last year when the West Bengal Government questioned the authority

of the Central Government to issue these notifications and thereby limiting the power of the West Bengal Government to regulate the transport, storage, production etc. of certain substances including petroleum and kerosene and also cinematograph films having a nitro-cellulose base. On the legal position with regard to petroleum and kerosene, there can be no manner of doubt that the Central Government has got exclusive jurisdiction over them. But with regard to cinematograph films the position is considered doubtful. That is why the present legislation is sponsored. The legislation is referable to Entry 53 of the Union List of the Constitution and it seeks to declare as dangerously inflammable certain substances regarding which notifications have already been issued under the Petroleum Act.

As the validity of these notifications may be open to question a clause has been put in the Bill to validate the position and also to provide for indemnity.

With these few words I commend my motion for the acceptance of the House.

Mr. Chairman: Motion moved:

"That the Bill to declare certain substances to be dangerously inflammable and to provide for the regulation of their import, transport, storage and production by applying thereto the Petroleum Act, 1934, and the rules thereunder, and for certain matters connected with such regulation, be taken into consideration."

Shri Naziruddin Ahmad (West Bengal): So far as this Bill is concerned it is typical of the manner in which legislation is brought before the House. There is an Act, the Petroleum Act. There are certain substances which it is thought by the Government to require similar treatment. The proper course would have been to pass the necessary legislation relating to the substances which are included in the Bill, namely acetone, calcium phosphide, carbide of calcium, cinematograph films having a nitro-cellulose base, ethyl alcohol, methyl alcohol and wood naphtha. So far as these are concerned, I think they require similar treatment and that is evident from certain passages in clause 4. In fact it is provided that the Petroleum Act will apply "with such modifications as it may specify". This is an objectionable provision. One

can even understand that the modifications must be such as the circumstances may suggest but here it is left purely to the sweet will of the Government or rather of the Department or rather the Secretary or the Deputy Secretary of a Department. If he thinks that the Petroleum Act and the rules must be modified—in what manner nobody knows—then he will be enabled to make that modification and we are expected to authorize the Government to make the modifications which it merely may "specify". In case the Petroleum Act has to be modified with regard to the articles mentioned just now, then these modifications should be placed before the House. The House should know in what way the Act should be modified, but to allow a Department of the Government to modify an Act and the rules required under another Act is to give them a *carte blanche* altogether. I think this is a tendency which is called "referential legislation", that is, legislation by reference to some other Act or legislation. I think it is far better to apply the Petroleum Act and suggest the modifications which would be applicable to the substances which are dealt with in clause 3. I therefore, submit that clause 4 goes beyond what should be allowed by the Legislature to be passed. In fact, this gives a Department power to modify or rather amend an Act. The duty or the power to amend an Act lies with the Legislature; it cannot and must not be left to a Department. Similar matter has been the subject-matter of an argument before the Supreme Court where the legality of delegated legislation was the subject-matter of discussion. Serious difficulties arose in the case. This convenient phrase empowers or rather delegates to the Government Department power to make and alter legislation. I think it is objectionable from high principles and the provision may be even *ultra vires*. Even if it is not *ultra vires*, it is highly objectionable that a Department is being enabled to make modifications or amend an Act and the rules. I submit that these words should be deleted. I have suggested an amendment to that effect. If that is accepted the serious objection which attaches to this would go.

Shri R. K. Chaudhuri (Assam): The House must have been greatly impressed by the speech which has been delivered by the Deputy Minister. There is nothing to inflame anybody's imagination by his speech. I do not know what would have been the case if the hon. Minister, Mr. Gadgil had been in charge of the Bill:

[Shri R. K. Chaudhuri]

he might have some slashes here and there. The Deputy Minister is cool like a cucumber in his speech. He has delivered a matter of fact speech in which he has said what he actually wants.

Shri Kamath (Madhya Pradesh): He comes from Assam; he belongs to Assam. That is the reason.

Shri R. K. Chaudhuri: I am grateful to the hon. Mr. Kamath for reminding me that he comes from Assam and I think this very largely contributes to the removal of prejudice against Assamese. There is a general prejudice in the Government and outside against Assamese as a rule, as we find in the employment of the different services in the centre. I would ask the hon. Mr. Mahtab who has got such a large number of employees under him if he has ever been able to get a suitable Assamese to fill a post in his Department.

Fandit Thakur Das Bhargava (Punjab): How is this relevant to this Bill?

Shri R. K. Chaudhuri: You will realise that I am not responsible for this digression and this reminds me of my school days when I was castigated for the fault committed by a fellow student. Once I was turned out of the college and suspended for a certain number of days. There also some neighbour had done something which was wrong and it is just like that here.

Mr. Chairman: The story is very interesting but we are running against time.

Shri R. K. Chaudhuri: This is a defect with some Members that they cannot go straight to the point but to digress. I think all this laughter behind my back is due to the same prejudice to which I referred just now. Hon. Members seem to think that whenever I rise, I rise only to while away time. It is not. This piece of legislation has not come a minute too soon. It is absolutely necessary and it is well that it should have been brought before the House at this stage. It was on account of a certain legal defect which was pointed out—I am sorry I have not looked at the Chair. I was looking behind because there was so much interruption. My point is that this useful legislation may be quite innocuous and unnecessary but if you go through it, you would really find what serious defects there were in the existing legislation and that has been under the clear advice of our legal advisers.

I consider that it is a piece of legislation to which the House cannot take any exception and I believe no time should be lost in passing it and with these words I support the motion.

Mr. Chairman: The question is:

"That the Bill to declare certain substances to be dangerously inflammable and to provide for the regulation of their import, transport, storage and production by applying thereto the Petroleum Act, 1934, and the rules thereunder, and for certain matters connected with such regulation, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 4.—(Power to apply Petroleum Act etc.)

Mr. Chairman: There is a notice of an amendment standing in the name of Mr. Naziruddin Ahmad. Is this amendment circulated to hon. Members?

Shri Buragohain: No, Madam. Only about ten minutes ago, I got a copy of this amendment.

5 P.M.

Shri Naziruddin Ahmad: I wish to draw the attention of the Deputy Minister to certain matters. He may be disposed to agree. Sub-clause (1) of clause 4 gives power to apply the Petroleum Act to dangerously inflammable substances and those inflammable substances have been defined in clause 3 which we have passed. The difficulty which has been caused by sub-clause (1) of clause 4 is that the Central Government is empowered to apply the Petroleum Act with such modifications as it may specify. As I have pointed out during the general debate, this virtually gives the Government the power to amend the Act. This raises a serious constitutional question. Can you delegate power to the Central Government, which means a Secretary of this Department, to modify an Act, which means, to amend an Act? The real point is, the hon. Minister, hard-pressed for time, in his desire to pass as many Bills as possible, is not keeping a proper check of the details. If any modification of the Petroleum Act is necessary, why apply the Petroleum Act and allow somebody to play havoc with that Act? You do not indicate any principles and the lines on which the Act should be modified. You simply give a blank cheque

to amend the Petroleum Act in any manner an officer likes. What should have been done is to prepare a Bill to modify the Petroleum Act indicating the modifications which are necessary. In other words, a self-contained Inflammable Substances Bill should have been introduced where the essential provisions should have been incorporated and such adaptations and changes as may be thought necessary should have been placed before the House so that the House might know what changes are necessary and what provisions are necessary. Instead of that, it refers to another Act and the Department is not aware in what respect it is not suitable for the present purpose. Everything is beautifully vague and is left to the sweet will of the Secretary to modify. Instead of this, a self-contained Bill should have been placed before the House and the House should have been called upon to express itself thereon.

Mr. Chairman: What is done is, having included some substances as inflammable, the provisions of the other Act are being made applicable...

Shri Naziruddin Ahmad: I do not object to these being regarded as inflammable.

Shri Buragohain: May I intervene? The provision of clause 4 is nothing more than clause 30 of the Petroleum Act. The entire provision has been taken verbatim in this clause. The present Bill repeats that section. That is what has been done. Only the existing powers are incorporated. The legal position has been stated.

Shri Naziruddin Ahmad: I am not disputing that.

Mr. Chairman: The provisions of existing Act are made applicable to some more substances also.

Shri Buragohain: Not to more substances; but to only those very substances for which notifications exist. Instead of notifications, the declaration is sought to be made by a Bill of this Legislature.

Shri Naziruddin Ahmad: My objection is not that. I agree that the substances which are mentioned in clause 3, which are considered to be inflammable should be dealt with under some law, to prevent danger. I do not dispute that at all. I do not raise any objection to clause 3. But, my objection is that we do not know what portion of the Petroleum Act will be applicable and what portion

will not be as also what amendments would be necessary. It is the power given to a Department to amend the Petroleum Act to suit the substances that is objectionable: it is this aspect of the matter to which I object. It is one thing to agree generally on principle that some provisions should be made for inflammable substances. The objection which I take to this Bill is giving power to the Department to amend the Petroleum Act. If it was a question of applying the Petroleum Act *mutatis mutandis*, that is, with certain modifications, as the nature of the substances would require, as is sometimes done, that is a different matter. Here, what is objected to is the power given to amend the Petroleum Act in such a manner as Government may specify by notification in the Official Gazette.

Mr. Chairman: That is the point you are making?

Pandit Thakur Das Bhargava: May I respectfully ask my hon. friend to read the next two lines. What he exactly wants is provided there.

Shri Naziruddin Ahmad: The question is whether any and every modification could be allowed.

Pandit Thakur Das Bhargava: "..... and thereupon the provisions so applied shall have effect as if such substance had been included in the definition of 'petroleum' under that Act."

Shri Naziruddin Ahmad: Depending upon the sweet will of the Department.

Shri Buragohain: May I inform the hon. Member that this modification has already been made and the present intention is to confine to this modification. There is no intention to modify further as will appear from clause 5, which says:

"Notifications or rules issued or purporting to have been issued under section 30 of the Petroleum Act between the 1st day of April 1937, and the date of commencement of this Act shall be deemed to have been issued or made under this Act, and continue in force accordingly."

Mr. Chairman: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.
Clauses 5 to 7 were added to
the Bill.

Clause 1 was added to the Bill.
The Title and the Enacting For-
mula were added to the Bill.

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

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

*The House then adjourned till Half
Past Nine of the Clock on Wednesday,
the 27th February, 1952.*
