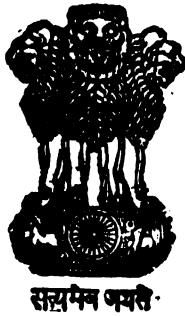


Wednesday, 27th February, 1952



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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

Wednesday, 27th February, 1952

The House met at Half Past Nine
of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

E.C.A.F.E.

*240. **Shri A. C. Guha:** Will the Prime Minister be pleased to lay on the Table a statement showing the economic activities of E.C.A.F.E. Organisation with special reference to

(i) development of mutual trade relations;

(ii) industrial development of the E.C.A.F.E. countries; and

(iii) pooling up of raw materials and any scheme for attaining self-sufficiency in raw materials?

The Deputy Minister of External Affairs (Dr. Keskar): The attention of the Hon'ble Member is drawn to:

(i) paragraphs 50 to 113 of the Report of the Economic Commission for Asia and the Far East (7th Session) to the Economic and Social Council (Doc. No. E/CN.11/376); and

(ii) pages 7 to 18 of the draft Annual Report of the Economic Commission for Asia and the Far East (8th Session) to the Economic and Social Council: (Doc. No. E/CN.11/L.21). Copies of both these reports have been placed in the Parliament library.

Shri A. C. Guha: Sir, I find no reply has been given to part (iii) of my question, i.e. "Pooling up of raw materials and any scheme for attaining self-sufficiency in raw materials."

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Dr. Keskar: The hon. Member will find the general plan with regard to that also in these reports I have referred to. As I said, copies of these reports are in the Parliament library and if my hon. friend wants, I have got my copies here.

Shri A. C. Guha: May I know, Sir, whether there is any scheme for mutual cooperation among these countries so that at least in the matter of foodstuffs these countries may attain self-sufficiency?

Dr. Keskar: I think at the last session of the E.C.A.F.E. which was held at Rangoon there was some discussion or resolution on this item. I also think my hon. colleague the Deputy Minister of Commerce and Industry will be able to throw light on the subject as he was the leader of the Indian delegation to that meeting.

The Deputy Minister of Commerce and Industry (Shri Karmarkar): Yes, on proper notice.

Shri A. C. Guha: Sir, some reports came in the newspapers to the effect that this session passed an alarmist resolution regarding the food situation in the South-east Asian countries. Will the Deputy Minister of Commerce and Industry tell us what the position is?

Shri Karmarkar: With your permission, Sir, I would like to add to what my colleague here has said that.....

Mr. Speaker: He may make a short statement.

Shri Karmarkar: No statement, Sir, but only a short reply. There was no resolution at the last session of the E.C.A.F.E. Mention was made in the annual report that there was an overall food deficit; but there was no alarm about it, nor any alarmist news about it.

Shri A. C. Guha: At present there is food deficit and does the resolution of the E.C.A.F.E. also say that in the near future there is no possibility of self-sufficiency in food being attained.

Shri Karmarkar: I should like to make myself sure about it before answering that question.

INDUSTRIAL CO-OPERATION WITH U.S.A.

*242. **Shri M. Naik:** (a) Will the Minister of Commerce and Industry be pleased to state how far it is a fact that the Government of India are negotiating through their Embassy in the U.S.A., for industrial co-operation with India and if so, with what results so far?

(b) What is the reaction in U.S.A. to the reported proposal of our Ambassador in U.S.A. to the effect that U.S.A. and Indian business interests should get together to establish joint enterprises in India?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). Various suggestions have been made for encouraging American cooperation for improving and expanding Indian Industry. Our Ambassador in the United States has also made suggestions in this regard. All these are being examined by the Government of India as hon. Members are aware, our general policy regarding foreign participation in and assistance to Indian Industry has been explained by the Prime Minister on more than one occasion.

Shri M. Naik: May I know in what sectors of industry is foreign industrial co-operation sought for?

Shri Mahtab: As far as I am aware, there is no definite proposal for any such cooperation between American capital and any particular industry, and whether American capital will be available for any particular industry or any sector of it. But there is the general talk of foreign co-operation and except this I am not aware of anything else.

Shri M. Naik: May I know whether there are other countries also from which such cooperation is being asked for?

Shri Mahtab: That I do not know.

Shri A. C. Guha: May I know if there has been private investments in India from U.S.A. citizens?

Shri Mahtab: I am not aware of any such investment.

Shri A. C. Guha: Is there any negotiation now going on as regards any particular industry for which the U.S.A. may help the Indian Government with money?

Shri Mahtab: No, no such negotiation in regard to any particular industry is now being carried on.

Shri M. Naik: Is the hon. Minister aware that a statement was published in the papers sometime back to the effect that India is also having negotiations with a view to have industrial cooperation from Germany?

Shri Mahtab: Generally we are seeking cooperation from everybody and therefore there is this general talk and there are general appeals. But I am not aware of any particular negotiations with regard to any particular industry so far as India is concerned.

Shri R. Velayudhan: May I know, Sir, whether any preferential treatment is given for industrial cooperation between the U.S.A. and India?

Shri Mahtab: That has been made clear on more than one occasion by the Prime Minister. There is no preferential treatment either towards the U.S.A. or any other country. The preference is all to ourselves.

DIPLOMATIC RELATIONS

*243. **Shri M. Naik:** Will the Prime Minister be pleased to state what are the different countries with which India has and also proposes to have exchange of diplomatic relations?

The Deputy Minister of External Affairs (Dr. Keskar): India has diplomatic relations with all recognised countries. Where we have no diplomatic representation our interests are looked after by the diplomatic representatives named by us. We have exchanged diplomatic representatives with the countries named in the statement laid on the Table of the House. [See Appendix II, annexure No. 1].

It is not possible to give the names of countries with whom we might hereafter exchange diplomatic representatives. Our general policy is to try to exchange diplomatic representation when it is necessary in our national interest to do so.

Shri M. Naik: Sir, from the Statement I find there are some countries with which India had diplomatic relations sometime back and now it is proposed to open new offices there. Am I to understand that we had no offices before in those countries?

Dr. Keskar: I hope the hon. Member understands that in a country with which we have got many and multifarious connections, commercial and otherwise, it is necessary sometimes, for the sake of our own interests, to have more than one office. By office, we do not mean the main office of our embassy, but rather consulates and such other offices, as may be necessary for our interests.

Shri M. Naik: The Statement also says that there are certain proposals for opening non-diplomatic missions. What does this mean?

Dr. Keskar: Generally consulates and such commercial offices are called non-diplomatic offices.

Shri Kamath: Is there any proposal to enter into consular if not diplomatic relations with Spain?

Dr. Keskar: No, Sir.

Shri A. C. Guha: How does India stand now in relation with Israel?

Dr. Keskar: India has recognised Israel: but for the moment there is no proposal to establish any diplomatic exchange of representatives.

Shri A. C. Guha: Has any representative come from Israel or gone to Israel?

Dr. Keskar: There is no formal notice; but we have had proposals from Israel Government that a preliminary visit by their representative for increasing trade relations with India may take place soon.

EXPLOSIVE ANALYSIS LABORATORY

*243-A. **Dr. M. M. Das:** Will the Minister of Works, Production and Supply be pleased to state:

(a) whether it is a fact that a new Explosive Analysis Laboratory is contemplated to be set up in Calcutta very soon; and

(b) if so, whether the plan has been finalised?

The Minister of Works, Production and Supply (Shri Gadgil): (a) and (b). A Chemical Laboratory for the analysis of explosives has already been set up in Calcutta and has been functioning since 1st November, 1951.

Dr. M. M. Das: May I know whether any other chemical analysis laboratory has been established in any other part of India?

Shri Gadgil: No, Sir. This one was opened at the express request of the West Bengal Government which had quite a large number of accidents due to bomb explosions and in order to facilitate prosecutions such a laboratory was found absolutely necessary and hence the Central Government agreed to its establishment.

Shri Chattopadhyay: Who bears the cost of this laboratory? Is any part of it being borne by the Government of West Bengal?

Shri Gadgil: Presumably the cost is borne by the Central Government.

STEEL

*244. **Shri M. Naik:** (a) Will the Minister of Commerce and Industry be pleased to state what is the present position of steel production in India?

(b) Have Government arrived at any definite decision by now as to how soon the proposed steel factories are going to be set up?

The Minister of Commerce and Industry (Shri Mahtab): (a) The total steel production in 1951 was 1,040,000 tons.

(b) Not yet, Sir.

सेठ गोविन्द दास : क्या यह बात सही है कि इन दो फैक्ट्रियों के सम्बन्ध में गवर्नमेंट कुछ कर्जा लेना चाहती थी और यह बात सही है तो उस के मिलने में क्यों देर हो रही है और इन फैक्ट्रियों के बनने में क्यों देर हो रही है ?

[**Seth Govind Das:** Is it a fact that the Government wanted to obtain a loan for these factories? If the answer be in the affirmative, what is the reason for delay in obtaining that loan and in the setting up of these factories?]

Shri Mahtab: It is financial difficulty. The hon. Member has made some presumptions in his question. I do not subscribe to any of the presumptions particularly to that at any time loan was asked for and it was not subscribed. I am not aware whether a loan was asked for. Anyway because of the financial difficulties the steel plants have not been proceeded with.

Shri Kamath: Is it not a fact that the Minister stated in the House last year that as regards the two plants that would be set up in India when finances became available, the first plant would be set up in Madhya Pradesh?

Shri Mahtab: That reminds me of the story of Kalnemi. It is not known whether it will be set up and when it will be set up. Whether it will be in Madhya Pradesh or Orissa or somewhere else will depend on the circumstances prevailing then.

सेठ गोविन्द दास : लेकिन क्या यह बात सही नहीं है कि गवर्नमेंट इस सम्बन्ध में अपनी पालिसी निश्चित कर चुकी थी और गवर्नमेंट ने मध्यप्रदेश सरकार को लिखा था कि इन दोनों प्लांट्स में से पहला प्लांट मध्य प्रदेश में स्थापित किया जायेगा।

[**Seth Govind Das:** Is it not a fact that the Government had determined their policy in this regard and that they had written to the Madhya Pradesh Government informing them that the first of these two plants would be set up in Madhya Pradesh?]

Shri Mahtab: I don't contest that. That is not the point at issue.

Shri M. Naik: May I know the maximum production capacity of the steel plant till now installed in India?

Shri Mahtab: It is about as much as the production to-day.

Shri M. Naik: May I know whether it is a fact that India will soon be facing an acute scarcity of steel?

Shri Mahtab: India has been facing steel scarcity for many years past. The total requirements of India is about five million tons of steel whereas the production is about one million tons.

Shri M. Naik: What are the countries from which we are now getting our steel supplies?

Shri Mahtab: We get from various countries—U.K., France, Belgium etc.

Shri M. Naik: Is it a fact that recently U. K. has enhanced its steel prices and if so what is its reaction on our supplies?

Shri Mahtab: That news was only published yesterday and it is too early to find out the reaction.

सेठ गोविन्द दास : क्या यह बात सही है कि गवर्नमेंट इस देश में दो फैक्ट्रियां और बनाना चाहती है और यदि यह बात सही है तो क्या यह बात भी सही है कि यह दोनों फैक्ट्रियां एक उड़ीसा में और एक मध्य प्रदेश में बनने की योजना है ?

[**Seth Govind Das:** Is it a fact that the Government propose to set up two more factories? If the answer be in the affirmative, is it true that it is planned to establish one of these in Orissa and the other in Madhya Pradesh?]

Shri Mahtab: Government would like to have as many steel plants set up as possible not only to meet our own needs but also for export purposes but some years past Government decided to have two steel plants if possible but that has not been done and the reason I have explained in this House on many occasions. That could not be done owing to financial difficulties. That matter remains there.

PAYMENTS TO U.N.O. ETC. ON BEHALF OF PAKISTAN

*248. **Dr. M. M. Das:** Will the Prime Minister be pleased to state:

(a) the years for which the Government of India paid to the U.N.O., F.A.O. and the I.C.A.O., as successor of the undivided Government of India, the share of Pakistan's contributions to those International Organisations;

(b) the total amount so paid by India on behalf of Pakistan; and

(c) whether the amount has been realised and if not, why not?

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

	N.O.	F.A.C.	I.C.A.O.
(a) 1948		1947-1948 (15-8-47 to 31-12-48)	1947-1948: (15-8-47 to 31-12-48)
(b) \$ 242,886		\$51,780	\$15,635 (Canadian)

(c) These amounts have not yet been realised. The recovery of contribution to the U.N., paid on behalf of the Government of Pakistan is the subject of correspondence with that Government. The question of the contributions to the F.A.O. and the I.C.A.O. is also under correspondence with the Government of Pakistan and the heads of these two Organisations.

Shri M. M. Das: May I know whether any arrangements for realization of this loan to the Pakistan Government were made during the time when payments on behalf of Pakistan Government were made by India?

Dr. Keskar: No, Sir.

Dr. M. M. Das: May I know whether these amounts form a part of Pakistan's debt to India and it will be considered along with other debts to India?

Dr. Keskar: Whatever Pakistan owes to India is a part of the Pakistan's debt to India. It is not included in what might be called the Consolidated Debt which was divided between India and Pakistan. This is a sum outstanding and which Pakistan owes to India. My friend is at liberty to say that this is Pakistan's debt to India.

Dr. M. M. Das: May I know what he means by the Consolidated Debt?

Dr. Keskar: Consolidated Debt is the debt of the undivided India.....

The Minister of Finance (Shri C. D. Deshmukh): I answered a question in regard to this only a few days ago.

Dr. M. M. Das: May I know the reason why this loan was not realized from Pakistan's share of Sterling balances?

Dr. Keskar: I am at a loss to understand how we can realize from Sterling Balances.

Mr. Speaker: The point of the question was whether these debts could not be adjusted in the Sterling Balances to their credit in England by debiting them to Pakistan and crediting them to our account.

Shri C. D. Deshmukh: I don't know the chronology of this but a part of the Sterling Balances was transferred to Pakistan in relation to our division of note liability. There are a few outstanding items. There are some items in our favour and on the other hand Pakistan has claims still outstanding in regard to some notes which they have transferred to us.

That was one of the subjects which was discussed at the financial conference. I mean there are outstanding on both sides.

Sarvodaya TRAINEES

*249. **Shri Raj Kanwar:** Will the Minister of Planning be pleased to refer to the reply given on the 11th February 1952 to a supplementary question arising out of my starred question No. 43 regarding Sarvodaya Centres and state:

(a) the number of Sarvodaya trainees who have so far completed their training;

(b) the usual period fixed for such training; and

(c) the total number, State-wise, of Sarvodaya trainees in the country?

The Minister of Finance (Shri C. D. Deshmukh): (a) to (c). Information received from Bombay, Punjab, Madhya Pradesh and Tripura is laid on the Table of the House. [See Appendix II, annexure No. 2].

Information from Hyderabad, Kutch and Rajasthan is awaited.

Shri Raj Kanwar: May I know what is the amount of stipend given to each trainee during the training period?

Shri C. D. Deshmukh: I would like to explain that Government's interest in these centres is a somewhat benevolent and tendentious one only, as one of the forms for development. The matter primarily lies within the sphere of State Governments and we are not in a position to give any details in regard to the running of these centres.

Shri Raj Kanwar: Are any educational qualifications laid down for trainees?

Mr. Speaker: I think it is better if hon. Members will refer to the statement which is placed on the Table of the House.

Shri C. D. Deshmukh: The Statement gives replies to specific questions only and that is the number of trainees. The point I made was that every question in regard to details requires separate notice because of the reason I have mentioned.

Shri Sohan Lall: What subjects are taught in these centres?

Mr. Speaker: He is going into details. The hon. Minister has stated that he has no information regarding details.

GOVERNMENT HOUSING FACTORY, DELHI

***250. Shri Kamath:** Will the Minister of Works, Production and Supply be pleased to state:

(a) whether any decision has been taken with regard to the future of the Government Housing Factory, Delhi; and

(b) if so, what it will produce, and when?

The Deputy Minister of Works, Production and Supply (Shri Buragohain): (a) and (b). I would invite attention to my reply to the hon. Member's unstarred question No. 294 on the 21st September 1951. Negotiations with certain firms are now in progress and Government hope to finalise a scheme for the future utilisation of the factory shortly.

Shri Kamath: May I bring to your notice that I have been furnished a statement which gives answers to (a), (b) and (c) of the question, whereas my question has got only two parts. The answer read out just now differs from the answers given to me.

Mr. Speaker: There must be some mistake somewhere. The hon. Member should take the Minister's answer as correct and proceed.

Shri Kamath: Shall I discard this then?

Mr. Speaker: He may make any use of it.

Shri Kamath: Is it a fact that the Standing Committee of the Works, Production and Supply Ministry at its last meeting came to the conclusion that it may be necessary to write off the value of the plant and machinery of the existing Housing Factory which could not be utilised or disposed of? If so, what is the value of the plant and machinery that is to be written off?

The Minister of Works, Production and Supply (Shri Gadgil): I shall answer that question since my hon. friend will not be here to trouble us any more about the Housing Factory.

Shri Kamath: On a point of order, Sir, is it proper to make a reference like that?

Mr. Speaker: He expressed only his fears, I believe.

Shri Kamath: Even apart from that, is it proper for the Minister to say that he is troubled by questions?

Mr. Speaker: It is only his own reaction.

Shri Kamath: Then I leave it to him. I hope the other Ministers do not think like that.

Shri Gadgil: Nothing wrong was meant. He must take it in the light in which I have said it.

Shri Kamath: I don't see the light that you see?

Mr. Speaker: I have now got the explanation of the seeming contradiction which the hon. Member pointed out. The hon. Minister's answer with him refers to the answer given to the previous unstarred question. I had issued a general order that wherever there is such a reference to the unstarred question, a copy of the question should be supplied. So, what he has got is a copy of the other question.

Shri Gadgil: Sir, in order to give as much information as I can to the hon. Member and the House I may say that the decision of the Government is two-fold. It is the intention of the Government that a part of the factory is to be used for the purpose of manufacturing ready-made houses and a part of the factory is to be used for the manufacture of asbestos sheets. As regards the first, negotiations have been going on with a firm, *viz.* Messrs. Valenberg and Co. In the course of several meetings with the representatives of that firm a new formula for the purpose of manufacturing pre-fabricated houses was suggested by them. This formula consists of a prestressed concrete construction, but in view of our past experience which has not been very happy in respect of such new methods in India, we desired the company to let us have the prototype which can be examined by our experts. Our information is that a prototype house has been shipped towards the end of January. As soon as it is received here it will be examined by our engineers and after that if we come to the conclusion that we should conclude negotiations with that firm that will be done.

As regards the second part, the position is that the raw material for the manufacture of asbestos is not available in abundance in India; whatever is available in the Cuddapah mines is not sufficient. Apart from this Messrs. Asbestos Cement Limited have a practical monopoly of this raw material. We therefore thought it better to enter into negotiations with this company and negotiations are going on with the company on the lines

that they should treat this factory on par with their three factories in this country in the matter of supply of raw material. The second condition which though not yet accepted is under consideration is that they should have some interest in the running of this factory. The point is that if we want to manufacture asbestos sheets, on the one hand we must have an abundant supply of raw material and on the other as far as possible there should not be any competition between the products of the Government factory and the products of the other three factories which are owned by Messrs. Asbestos Cement Ltd. So, the negotiations are going on. As soon as they are finalised the factory will start. The position of that factory being such that it should be run on commercial principles, it may be necessary at that time to write down a part of the value of the plant. That is the full position which I have disclosed to the House.

Shri Kamath: As regards the manufacture of prefabricated houses in this factory will the same old process be followed or are experiments in progress for devising a new process for the manufacture of panels?

Shri Gadgil: As I have stated, a formula was presented to us by this firm but we would not come to any decision unless we saw the prototype. The prototype will arrive soon or may have arrived by now and after seeing it we will decide. But it is the clear decision of the Government that inasmuch as this was started as a housing factory at least a substantial portion of this factory must be used for the manufacture of such houses.

Shri Kamath: Is the factory being continued at present on a care and maintenance basis and, if so, for how long will it be continued on that basis?

Shri Gadgil: It is going on on that basis and we hope to finalise our plans before the current financial year is over.

Shri Kamath: In view of the fact that a large part of the factory will be diverted to non-housing manufacture, is the name of the factory going to be changed?

Shri Gadgil: It will be considered at the relevant moment.

Shri A. C. Guha: Are we to understand that this factory will be put under two separate companies or there will be two wings of one company?

Shri Gadgil: Even that question I cannot answer now, but as I have stated, broadly we have taken the decision that a part of the factory will be used for the purpose of manufacturing houses and a part for the purpose of manufacturing asbestos sheets. What will be the organisational set-up I cannot say now till we are in a position to see the final agreement with the two parties concerned.

Shri A. C. Guha: In view of the fact that two wings will be run by two separate commercial bodies how are they likely to be co-ordinated?

Shri Gadgil: I have not said anything of that sort.

INDIAN MILITARY MISSION TO NEPAL

*251. **Shri A. B. Gurung:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that an Indian Military Mission has been sent to Nepal; and

(b) if so, the probable duration of its stay in Nepal?

The Deputy Minister of External Affairs (Dr. Keskar): (a) and (b). At the invitation of the Government of Nepal a Military Mission is being sent to Kathmandu for consultation and advice regarding re-organisation of their army. It is not possible to fix the duration of their stay in Nepal as it will depend upon the nature of their work there.

Shri A. B. Gurung: May I know its composition?

Dr. Keskar: I would require notice.

Shri A. B. Gurung: May I know whether this Mission consists of Nepalese nationals serving in the Indian Armed Forces?

Dr. Keskar: This is a Military Mission of the Indian Army and it is not necessarily composed of Nepalese nationals in the Indian Army.

सेठ गोविन्द दास : इस मिशन का खर्च नेपाल की सरकार देगी या भारत सरकार देगी ?

[**Seth Govind Das:** Who would bear the expenses of this Mission, the Government of India or the Government of Nepal?]

डॉ० केशकर : नेपाल में उन का खर्च नेपाल की सरकार देगी ।

[**Dr. Keskar:** The Nepal Government would bear the expenses of this Mission.]

Shri A. B. Gurung: May I know the total strength of this Mission?

Dr. Keskar: I would require notice but approximately about 20 to 25 officers will be in this Mission.

Shri Kamath: Was the invitation, Sir, or request to send a Mission to Nepal sent by the present Government of Nepal or before the change-over to Mr. M. P. Koirala's Ministry?

Dr. Keskar: I will not be able to furnish the date on which this particular invitation came but the specific invitation for this particular Mission has been sent by the present Government. But I might inform my hon. friend that the Nepalese Government has been pressing for some time that we should help them in the re-organisation of their Army.

Shri Kamath: Is the Minister in a position to tell the House or communicate to the House the text of the invitation sent by the Nepal Government to India?

Dr. Keskar: No, Sir.

Shri R. Velayudhan: May I know whether the Minister is aware of an allegation that the India Government has offered its military forces for the suppression of the political parties in Nepal?

Dr. Keskar: No, Sir. I have not seen that particular allegation.

Dr. M. M. Das: May I know whether the servicemen serving in this mission are recruited from all the three wings, i.e. the Land Army, the Navy and the Air Force?

Dr. Keskar: It is very difficult to say what the Navy will do in a military mission in Nepal.

Mr. Speaker: I am going to the next question.

COPRA AND COCOANUT OIL (IMPORT)

*253. **Shri Lakshmanan:** Will the Minister of Commerce and Industry be pleased to state:

(a) which are the countries from which copra and coconut oil are imported; and

(b) what is the quantity of copra and coconut oil imported from the different countries during the last twelve months ending January, 1952 and what are their respective prices, giving figures separately for each month?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) The principal countries from which

copra and coconut oil are imported are Ceylon, Singapore, Federated Malay States and the Philippines.

(b) Two statements are laid on the Table showing information upto November 1951. [See Appendix II, annexure No. 3].

Information in respect of December 1951 and January 1952 is being collected.

Shri Lakshmanan: The statement does not give any idea of the landed price of coconut oil during the period mentioned. I should like to know from the hon. Minister whether he will be able to give the landed price of coconut oil in India that was imported from Ceylon during January 1952 and December 1951?

Shri Karmarkar: I am sorry my hon. friend has not followed the reply. I said that the figures for December 1951 and January 1952 are being collected, and my hon. friend can easily calculate the landed cost by adding to the cost of coconut oil in the particular exporting country the import duty imposed here.

Shri Lakshmanan: May I know whether the reduction of import duty on copra and coconut oil by the Government of India to conform to the corresponding reduction of export duty by the Ceylon Government is the result of concerted action by the two Governments or is it merely a matter of coincidence?

Shri Karmarkar: No, Sir. So far as I know there has been no concerted action and the action has been taken on different dates.

Shri Lakshmanan: As between those who use coconut oil for food purposes and those who use it for industrial purposes, may I know which particular class stands to gain by the fall in price of this commodity?

Shri Karmarkar: I think, Sir, that both the classes stand to gain.

Shri Lakshmanan: Which one stands to gain more?

Mr. Speaker: He has said both.

Shri Alexander: May I know whether, when the decision to reduce the import duty was taken, the Coconut Committee was consulted?

Shri Karmarkar: I require notice for that.

COTTON PIECE GOODS

*254. **Shri Jnani Ram:** Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of un-utilized cotton piecegoods in the hands of the mills and exporters as on the 31st December, 1951;

(b) the quantity sanctioned for exports;

(c) the countries to which exports are to be made; and

(d) the period of licence?

The Minister of Commerce and Industry (Shri Mahtab): (a) 114 million yards and 66 million yards of cotton piecegoods were left in the hands of the mills and exporters respectively.

(b) 430 million yards were fixed for export during the first half of 1952. This quantity includes 180 million yards carried forward for shipment during this year against licences issued during the previous licensing periods and the balance is available for fresh licensing.

(c) Against 180 million yards carried forward from last year licences are held by exporters for export to the following countries:

Afghanistan, Pakistan, Ceylon, Hongkong, Indonesia, China, Siam, Burma, Malaya, Australia, New Zealand, U. K. and other European countries and also Iraq, British West Indies, French Colonies, North Borneo, British East and West Africa, Belgian Congo, Persian Gulf, Rhodesia, Seychelles, Mauritius, Sudan, Aden, Egypt, Eritrea and Hard Currency countries.

Against 250 million yards available for fresh licensing, special reservations have been made for export to only those countries with which the Government of India have bilateral trade agreements as follows:—

Pakistan	57.5 million yards.
Afghanistan	25.0 "
Australia	39.0 "
Burma	16.0 "
Other countries	112.5 "
TOTAL	250.0 "

(d) All licences carried forward from 1951 have been validated for shipment upto the 30th June 1952

while fresh licences issued during 1952 will be valid for six months with effect from the date of issue of each licence.

Shri Jnani Ram: May I know the quantity actually exported during this period?

Shri Mahtab: Which period?

Mr. Speaker: Exported to each country or to all these countries?

Shri Jnani Ram: To all these countries collectively.

Shri Mahtab: During which period?

Shri Jnani Ram: May I know what are the conditions of the bilateral agreements?

Mr. Speaker: But what is the period? Will he mention the period for which he wanted the figures?

Shri Jnani Ram: Till 31st March.

Shri Mahtab: But 31st March has not yet come.

Shri Jnani Ram: From 31st March 1951 up to 31st December, 1951.

Shri Mahtab: On the last occasion I gave the figures. I am sorry I have not got them here. I think I gave them two or three days ago.

Shri Jnani Ram: May I know what are the conditions of the bilateral agreements referred to by the hon. Minister?

Shri Mahtab: Bilateral agreements do not require any conditions. They are mutual agreements, that is to say, there is an exchange of letters in which the commodities which are to be exported from this country and the commodities which are to be imported from the other country are mentioned. No other conditions are there.

Shri Jnani Ram: Then, what are the articles to be exchanged?

Shri Mahtab: I am sorry that copies of the agreements are not with me here. If he gives separate notice, I shall supply the information.

Shri M. C. Shah: May I know if the hon. Minister is aware of the fact that coarse and medium counts of cloth are still sold at very much higher prices than the control rates, and if that is a fact, may I know whether the hon. Minister contemplates the total ban of the export of coarse and medium cloth in order to avoid the scarcity in the country?

Shri Mahtab: I am aware of the fact that even today there is about 25 to 30 per cent. premium on coarse and medium cloth. It is for that reason that the export of medium and coarse cloth has been practically stopped except to countries with whom we have entered into bilateral trade agreements. We have taken very good care to see that unless we are in need of very essential commodities from other countries we shall not export our coarse and medium cloth to those countries.

LOOMS AND SPINDLES (INCREASE)

*255. **Shri Jnani Ram:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether there has been an increase in the country's loomage and spindleage;

(b) if so, how much;

(c) whether India will have to increase the import of cotton this year; and

(d) if so, the quantity thereof?

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

(b) 4,540 looms and 1,459,014 spindles since 1946.

(c) Yes, Sir.

(d) About 6 lakh bales.

Shri Jnani Ram: May I know the countries from which cotton will be imported?

Shri Mahtab: U.S.A., Egypt, East Africa, Sudan and Pakistan.

Shri Sivan Pillay: May I know whether in increasing the machine looms in the country the Government has given any thought as to how it will affect the vast number of handloom weavers?

Shri Mahtab: The hon. Member must have known that it has been notified that no new loom can be set up without the previous sanction of the State Government concerned. This has been going on for the last two or three years. With regard to certain textile mills where it is found that the mill will not be economically run unless additional loomage is provided, there alone permission is given.

OCCUPATION OF ISLET BY PAKISTAN POLICE

*256. **Shri Jnani Ram:** (a) Will the Prime Minister be pleased to state:

(a) whether it is a fact that Pakistani

Police occupied an islet near Murshidabad recently; and

(b) if so, whether the Indian Forces have been able to re-capture it?

The Deputy Minister of External Affairs (Dr. Keskar): (a) and (b). From an interim report received from the Government of West Bengal it appears that there has been no occupation of any Indian territory as mentioned in the question. There was a dispute regarding the crops over a char which is in Indian territory. Pakistan nationals, assisted by local Pakistan officers, trespassed into the char and harvested the crop over 1200 bighas. The Murshidabad district authorities took action to enable the Indian nationals to harvest the rest of the crop. The District Magistrates of Murshidabad and Rajshahi have since discussed the matter in a joint conference and an interim settlement is reported to have been reached.

Shri B. K. Das: May I know whether this is one of the chars over which there was a dispute pending the settlement of the boundary?

Dr. Keskar: No, Sir.

Shri B. K. Das: What is the name of this char?

Dr. Keskar: I would require notice of that question.

Shri Chattopadhyay: What is the interim arrangement that has been arrived at with regard to this dispute?

Dr. Keskar: The report has just now been received by us that an interim arrangement has been arrived at. After further enquiries I would be able to furnish the hon. Member with further details.

NEW WORK TAKEN UP BY THE PLANNING COMMISSION

*257. **Shri B. K. Das:** Will the Minister of Planning be pleased to state:

(a) what particular item of new work has been taken up as a part of the programme of the Five Year Plan; and

(b) whether any fund has been set apart for the purpose?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). Information relating to new schemes included in the Five-Year Plan which have been taken in hand during 1951-52, is being collected from State Governments and

the Central Ministries. When it is received, it will be laid on the Table of the House.

ULLHASNAGAR TOWNSHIP

*258. **Shrimati Jayashri:** (a) Will the Minister of Rehabilitation be pleased to state the number of unattached women and children in the Ullhasnagar Township (Kalyan Camp)?

(b) Is it a fact that Government had a programme of segregating the unattached women and children and establishing a separate camp for women in the Ullhasnagar Township?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) 4,464.

(b) Yes.

CLOTH QUOTA TO WEST BENGAL

*258-A. **Shri S. C. Samanta:** Will the Minister of Commerce and Industry be pleased to state:

(a) the amount of cloth quota allotted to the State of West Bengal in the years from 1947 to 1951 (year by year);

(b) how much of the allotted quota was taken over by the State (year by year);

(c) the number of nominated buyers who were recommended by the State Government to take delivery (year by year); and

(d) in how many cases the nominated buyers failed or partially failed to take delivery?

The Minister of Commerce and Industry (Shri Mahtab): (a) to (c). A statement is laid on the Table of the House. [See Appendix II, annexure No. 4].

(d) Information is being collected from the State Government and will be placed on the Table of the House as soon as received.

Shri S. C. Samanta: May I know whether in certain bales received by nominated buyers cotton piecegoods were found which should have contained dhoties and sarees?

Shri Mahtab: I am not aware of that. The nominated buyers of the State Governments in that case could have lodged their complaints with the Textile Commissioner and I can assure the hon. Member and through him the nominated buyers that any complaints so lodged will be properly looked into and steps will be taken if there is any misbehaviour on the part of any mills.

Shri S. C. Samanta: May I know whether the figures of receipts of cloth include the cloth taken from West Bengal and other mills?

Shri Mahtab: It includes West Bengal and other mills also.

DELEGATIONS SENT OUT

*259. **Babu Gopinath Singh:** Will the Prime Minister be pleased to state:

(a) the total number of delegations that have been sent out of India by the Government of India during the year 1951;

(b) the purpose for which each of these delegations was sent out;

(c) the total expenditure incurred on each one of them; and

(d) the extent to which India has benefited by these delegations?

The Deputy Minister of External Affairs (Dr. Keskar): (a) to (c). The required information is being collected and will be placed on the Table of the House as soon as it is ready.

(d) The benefits derived from the delegations sent out of India are not always concrete and cannot, therefore, be expressed in terms of value received for payments made.

DIRECTORATE OF EMPLOYMENT EXCHANGES

*260. **Shri Raj Kanwar:** (a) Will the Minister of Labour be pleased to state whether it is a fact that the Directorate of Employment Exchanges is proposed to be made permanent?

(b) What is the strength of the officers and ministerial staff of the Directorate?

The Minister of Labour (Shri Jagjivan Ram): (a) The Directorate of Employment Exchanges, which is a part of the Directorate General of Resettlement and Employment, will be made permanent if the Directorate General of Resettlement and Employment is made permanent. The matter is under consideration.

(b) *Officers.*

Director of Employment Exchanges—1.

Deputy Director of Employment Exchanges—3.

Assistant Director of Employment Exchanges—5.

Staff Training Officer—1.

Ministerial Staff—

Section Officer—1.

Assistants—5.

Clerks—4.

Shri Raj Kanwar: May I know since when is the Directorate of Employment Exchanges functioning and whether the appointment of the present Director was made with the approval of the Federal or Union Public Service Commission?

Shri Jagjivan Ram: This Directorate has been functioning since the inception of the whole Directorate General of Resettlement and Employment and the present incumbent was selected through the Union Public Service Commission.

Shri Raj Kanwar: May I know what educational and other qualifications are expected in a director?

Mr. Speaker: I think we need not go into those details. He has got the reply that the Federal or Union Public Service Commission has selected him.

Shri B. K. Das: What has been the total expenditure over this Directorate during the last year?

Shri Jagjivan Ram: I am afraid I cannot give the figures off-hand. It has been discussed several times here. If my hon. friend gives me notice, I shall supply him the figures.

Shri Raj Kanwar: What is the present salary of the Director and what was he getting before in his previous appointment.

Mr. Speaker: I am afraid he should first get information on this point privately with a view to ascertaining whether there is anything really seriously wrong. It is no use merely making a suggestion that there is favouritism in the case of the present incumbent. It is hardly fair to the officer or the Minister.

INDUSTRIAL HOUSING

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

(a) to what extent the Industrial Housing Scheme drawn up by the Government of India in the year 1949 has been given effect to;

(b) the extent of response that this Scheme received from the various State Governments and the industrial employers;

(c) the total number of houses built under this Scheme in different States and the total amount spent over them; and

(d) whether the Scheme is still in operation?

The Minister of Labour (Shri Jagjivan Ram): (a) The scheme was put into operation in 1950-51 and a sum of Rs. 1 crore, which was provided for in the budget, was distributed as follows:

	Rs.
Bombay	75 lakhs
Madhya Pradesh	10 "
Orissa	10 "
Bihar	5 "

In the current year's budget a sum of Rs. 168 lakhs was provided which has been allotted as follows:

	Rs.
Bombay	44 lakhs
Bihar	30 "
Mysore	20 "
Hyderabad	20 "
Travancore-Cochin	10 "
Orissa	10 "
Madhya Pradesh	10 "
Assam	10 "
Madras	9 "
Punjab	5 "

(b) In 1950-51, the scheme was applicable only to Part A States and the Governments of Bombay, Madhya Pradesh, Orissa and Bihar participated in it. But during the current year, the scheme has been extended to Part B and C States as well (except Jammu and Kashmir). In addition to the four State Governments mentioned above, the Governments of Madras, Assam, Punjab, Hyderabad, Mysore, Travancore-Cochin took advantage of the Scheme. The employers do not come into the picture directly.

(c) Against the loan of Rs. 1 crore advanced in 1950-51, 1712 houses have been constructed in Bombay, 261 in Orissa and 108 in Bihar and in addition the construction of about 400 houses is expected to be completed in Madhya Pradesh shortly. The estimated total cost of all these houses comes to Rs. 1.5 crores. Number of houses constructed against the loan of Rs. 1.68 crores advanced during the current year is not yet available.

(d) Yes, but from the next financial year the Government of India propose to introduce a subsidised Industrial Housing Scheme, under which the houses will be constructed by the employers and the Government of India will pay a subsidy equal to 20 per cent.

of the cost of the houses, subject to certain ceiling limits.

Shri Jnani Ram: May I know if the amount sanctioned last year has been fully utilised?

Shri Jagjivan Ram: I have already replied that the amounts were allotted to the different State Governments.

Mr. Speaker: Evidently the hon. Member wants to know whether the amounts were spent by the State Governments.

Shri Jagjivan Ram: Some have spent them and others are in the process of spending them.

Shri Jnani Ram: May I know why no sanction was given for working the scheme in West Bengal?

Shri Jagjivan Ram: Because the West Bengal Government did not approach us under this scheme.

Shri M. Naik: May I know to what extent the employers and the State Governments have contributed to the materialisation of the scheme?

Shri Jagjivan Ram: Under the present scheme we advanced interest free loans. Two-thirds of the capital cost of the construction is advanced by us as interest free loans and one-third is contributed either by the State Governments or by some employer sponsored by the State Government.

Shri S. C. Samanta: May I know the difference between the industrial housing scheme and the housing scheme in plantation areas for labourers?

Shri Jagjivan Ram: The houses in the tea plantations are constructed by the tea planters themselves.

Dr. M. M. Das: In answer to a supplementary question the hon. Minister stated that West Bengal did not approach the Central Government for a part of the loan. Am I to understand that the housing conditions of the industrial workers in West Bengal are satisfactory?

Mr. Speaker: How does that arise?

PERMITS FOR ENTERING KATHMANDU

*246. **Shri Jnani Ram** (on behalf of **Shri S. N. Das**): Will the Prime Minister be pleased to state whether Indians going to Kathmandu, the Capital of Nepal, are still asked to take permits at Birgunj?

The Deputy Minister of External Affairs (Dr. Keskar): Full facts about the permit system were given in answer to question No. 277 and supple-

mentaries thereto, on the 16th August 1951. There has been no further development in the matter since then. On account of continued unsettled conditions in that country, no approach has been made so far to the Nepal Government for the removal of restrictions on the entry of Indians into Nepal.

Shri Kamath: Is it a fact, as stated by certain Nepal spokesmen in India, that during the last few months, unfortunately considerable anti-Indian feeling has developed in Nepal and is it a fact that consequently the number of Indians proceeding or wanting to proceed from India to Nepal has fallen?

The Prime Minister (Shri Jawaharlal Nehru): May I answer that question, Sir? So far as we are aware, there has been no difference in the number of Indians coming to and from Nepal. As for the statements in the press, I think they should be taken with a grain of salt.

STANDING PARLIAMENTARY COMMITTEES

*247. **Shri Jnani Ram** (on behalf of **Shri S. N. Das**): (a) Will the Prime Minister be pleased to state whether it is a fact that the Government of India have decided to abolish the Standing Parliamentary Committees attached to various Ministries?

(b) If the answer to part (a) above be in the affirmative, what are the reasons that have led to this decision?

(c) Is any new scheme under consideration, by which Members of Parliament will be associated with the administration of different Ministries?

The Prime Minister (Shri Jawaharlal Nehru): (a) to (c). No, Government have not decided to abolish all Parliamentary Standing Committees.

In view of the fact, however, that the new Parliament was due to meet by the end of April or the beginning of May, it was decided that no new Standing Committees should be constituted at present.

It was further decided that the whole question of the formation of Standing Committees of the new Parliament and their functions should be examined by the Ministry of Law.

The present Standing Committees of Parliament were constituted during the old regime when there was an irresponsible executive. The present position is different and should therefore be examined afresh. Government are of opinion that it is desirable to associate Members of Parliament with

Standing Committees so that they might remain in touch with the working of the governmental machinery. It is felt, however, that the Standing Finance Committee is no longer necessary in view of the establishment of the Estimates Committee.

Shri Jnani Ram: May I know if the number of Ministries is going to be enlarged?

Shri Jawaharlal Nehru: I do not know yet, Sir.

Shri Kamath: Inasmuch as these Committees are Committees of Parliament, is this question being examined solely in consultation with the Ministry of Law or also—pardon me, Sir, for bringing you into the picture—in consultation with the Speaker of Parliament?

Mr. Speaker: I may make the position clear. These are Parliamentary Committees only in the sense that they are elected by Members of Parliament to advise the executive. At present, if I mistake not, the only Parliamentary Committees that exist are the Estimates Committee and the Public Accounts Committee and there is no other third Committee, I think.

An Hon. Member: The Rules Committee.

Mr. Speaker: And I might read to the hon. Member the definition of 'Parliamentary Committee' as given in the Rules. 'Parliamentary Committee' is a Committee which is elected by the House or nominated by the Speaker and works under the direction of the Speaker and presents its report to Parliament or to the Speaker and the secretariat for which is provided by the Parliament Secretariat. So all these Committees are not Parliamentary Committees in the real sense of the term, though they are known popularly as Parliamentary Committees. Therefore there is no question of the Speaker figuring in.

Prof. K. T. Shah: May I seek one elucidation? If I heard the Prime Minister correctly, he spoke of the time when these Committees were appointed as "the old regime when the Government was irresponsible" or non-responsible. Is it a correct description, because I think these Committees were appointed in 1948?

Shri Jawaharlal Nehru: The present Committees have of course been appointed recently. But the rules governing them are the old rules and those rules have to be reconsidered.

Shri Kamath: Is it not a fact that these Committees were constituted with a view to giving some sort of training to Members of Parliament so far as the working of various Ministries is concerned and, if that is so, does Government think that such training will not be necessary for the new Members of Parliament?

Shri Jawaharlal Nehru: If I may read part of my answer again, "Government are of opinion that it is desirable to associate Members of Parliament with Standing Committees so that they might remain in touch with the working of the governmental machinery". That is an adequate answer because we do think it desirable that there should be some Committees. Exactly what their functions should be in these new conditions is a matter which we might consider. I might add that whatever the Law Ministry might advise or the Government might consider, undoubtedly the hon. the Speaker will be consulted and his advice taken in the matter.

Shri Kamath: It is very good then; the Speaker will be consulted.

बाबू रामनारायण सिंह : अभी प्रश्न के उत्तर में प्रधान मंत्री जी ने कहा कि वह नहीं जानते हैं कि मंत्रियों की संख्या बढ़ेगी या नहीं, मैं यह जानना चाहता हूँ कि यह खबर उनको कब मिलेगी और कहां से मिलेगी।

[**Babu Ramnarayan Singh:** The Prime Minister has just now stated in answer to a question that he did not know whether the number of Ministries would increase or not. I would like to know when he would get this information and from where.]

श्री जवाहरलाल नेहरू: मौजूबत पर खबर मिलेगी और अपने दिल और दिमाग

[**Shri Jawaharlal Nehru:** The information will come at the proper time and from our own hearts and minds.]

Mr. Speaker: We will now proceed to Legislative Business.

WRITTEN ANSWERS TO QUESTIONS

MANUFACTURE OF TRACTORS

*241. **Dr. Deshmukh:** (a) Will the Minister of Commerce and Industry be pleased to state whether Government

are aware that tractors are being imported on a large scale in India?

(b) Is any attempt being made to set up a factory to manufacture them in India?

(c) Is there any factory for manufacture of any spare parts?

(d) If not, is the matter being considered by Government?

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

(b) Yes.

(c) Yes.

(d) Does not arise.

RAIDS BY CENTRAL ENFORCEMENT DIRECTORATE

*252. **Shri Jhunjhunwala:** Will the Minister of Commerce and Industry be pleased to place on the Table of the House a statement showing:

(i) the number of Mills/shops or godowns on which raids were made by the Central Enforcement Directorate staff;

(ii) the date of each of the raids;

(iii) the number of witnesses in each case;

(iv) the number of bogus purchasers introduced in each case;

(v) the decision in each case by the trying court;

(vi) the final decision by the Appellate Court; and

(vii) the total cost of maintenance of the Directorate in each of the financial years since 1947-48?

The Minister of Commerce and Industry (Shri Mahtab): (i) to (vi). The information as required by the hon. Member is not readily available. But a statement is placed on the Table showing the work of the Enforcement Directorate. [See Appendix II, annexure No. 5].

(vii) The total cost of the maintenance of the Directorate since 1947-48, in each of the financial years, is as follows:

1947-48	.	.	Nil
1948-49	.	.	Rs. 29,700
1949-50	.	.	Rs. 5,73,000
1950-51	.	.	Rs. 6,45,300
1951-52	.	.	Rs. 6,42,600

GARDENS IN RASHTRAPATI BHAVAN

35. **Shri Jagannath Mishra:** (a) Will the Minister of Works, Production and Supply be pleased to state what is the

strength of the staff (including all classes) engaged for, and the annual cost of maintaining, the flower, fruit and vegetables garden in the Rashtrapati Bhavan, New Delhi?

(b) What is the cost of production and the value of produce of the said garden?

The Minister of Works, Production and Supply (Shri Gadgil): (a) The present strength is 152 and the cost of maintenance including the cost of production for the year 1951-52 is expected to come to nearly Rs. 1,29,000/-

(b) Accounts relating to the cost of production are not maintained separately. Receipts from the sale of vegetables produced in the garden amounted to Rs. 33,432 during the period 1-3-1951 to 20-2-1952.

SURCHARGE ON EXPORT OF COAL

36. **Shri M. Nalk:** (a) Will the Minister of Works, Production and Supply be pleased to state since when surcharge on export of coal has been enforced?

(b) What is the total income derived from that source since its enforcement up-to-date?

(c) Is the surcharge levied uniform for all exports or does it vary from country to country?

(d) What are the countries which are the main consumers of our coal?

(e) Is there any basis in the suggestions made in certain quarters that other coal-producing countries are likely to oust India from certain sectors of the world market?

The Minister of Works, Production and Supply (Shri Gadgil): (a) to (c). Originally a surcharge on exports of coal was levied from 24th September 1949 when the export of coal was treated as State trading. From 1st October 1951 no surcharge as such is, however, levied and instead, prices are being charged on exports depending on what commercial considerations would justify, having regard to the prices at which the importing countries could obtain similar quality from competing exporters. The income derived from the surcharge from the date it was introduced up to the date on which it was abandoned is about Rs. 1,70,07,489. Subsequent to this period it is not possible to give any figure of income from the surcharge.

(d) Mainly Pakistan, Ceylon, Burma, Hong-Kong, Singapore, Japan, Australia, Egypt and Aden.

(e) Government are not aware of any such indications at present.

CENTRAL COTTON ADVISORY BOARD

37. **Shri S. N. Das:** (a) Will the Minister of Commerce and Industry be pleased to state what are the main recommendations made by the Central Cotton Advisory Board?

(b) Which of them have been accepted by Government?

The Minister of Commerce and Industry (Shri Mahtab): (a) The main recommendations made by the Cotton Advisory Board in regard to cotton control for the season 1951-52 are as under:

(i) Establishment of panels of buyers, central and zonal for handling the Indian cotton crop.

(ii) Institution of quality control for determining the staple and price of cotton within the frame work of the prices fixed for various varieties of cotton.

(iii) Fixation of ceiling prices for all varieties of Indian cotton.

(iv) Movement of *Kapas* and cotton to be controlled by the Textile Commissioner.

(v) Growing of superior varieties of cottons under the conditions recommended by the Indian Central Cotton Committee, viz:

(1) the areas in which cottons are grown be declared as protected,

(2) cultivation of other varieties in such areas be prohibited, and

(3) seeds from such cotton be supplied by Government directly through approved agencies.

(vi) Regrouping of cotton zones as under:

East Punjab and PEPSU,

Surat and Broach,

Madhya Bharat and Bhopal,

Assam and Manipur.

(vii) Modification in the licensing system as under:

(1) The qualifying period of three years for issue of licences be raised to five years by including the two years immediately preceding the 1948-49 seasons.

(2) The quantitative turn-over prescribed for issue of B class licences be reduced to 1,000 bales from 1,500.

(3) C class licencees be allowed to sell direct to A class licencees.

(4) Agricultural Co-operative Societies be given C class licences.

(5) "A" Class licencees be permitted to hypothecate or pledge cotton stocks with banks.

(viii) Granting of premium for special varieties of cottons and taking into consideration that premium for fixation of prices of cloth manufactured from such cotton.

(ix) Laxmi cotton to be treated on par with Cambodia and priced accordingly.

(x) Fixation of export quota for Bengal Deshi.

(b) Excepting the recommendations at items (iii) and (viii) all others have been accepted by the Government. Prices of all varieties of cotton except certain special varieties have already been fixed. The special varieties of cotton viz. Punjab, Punjab/American 216F, Punjab/American 320F, Buri 6394, M.A. 5, Laxmi, C.O.4/B. 40 (Rajapalayam) have not been brought under price control because it was strongly represented to Government by the State Governments concerned and also by the Indian Central Cotton Committee that these varieties of cotton should not be brought under price control as they are grown under the following conditions:

(i) the cotton is grown in an area which is a "Protected Area" under the Cotton Transport Act, 1923 or any corresponding Act:

(ii) the seeds required for sowing such cotton in the relevant areas are duly approved and supplied by the Department of Agriculture of the State concerned;

(iii) the crop of such cotton is rogued and off-types removed; and

(iv) the ginning and pressing of the crop of such cotton is done under the supervision of the Department of Agriculture of the State concerned and a certificate of purity issued by the said department for the pressed bales. As regards (viii) Government have accepted the first part of it while the latter portion of the recommendation is under consideration.

METALLURGICAL COAL

38. **Shri M. Nalk:** (a) Will the Minister of Works, Production and Supply be pleased to state what is the present

policy of Government regarding conservation of metallurgical coal in India?

(b) If conservation has been started, what are the reserves so far built up and what is the target aimed at?

(c) What are the purposes to which this conserved metallurgical coal is going to be put and for what probable period such conservation is necessary?

The Minister of Works, Production and Supply (Shri Gadgil): (a) The policy of the Government is to conserve the reserves of metallurgical coal in the country by enforcing stowing for conservation, by encouraging the washing of coal with a view to beneficiating and reducing the ash contents of coal and thus improving its coking

qualities, by blending of inferior grades of coal with better grades and to discourage the use of such coal non-essential consumers.

(b) So far, about a million tons coking coal per annum, have been replaced by non-coking coal from the loco. programme. The ultimate aim to regulate the production of metallurgical coal to the extent actually required by the Iron and Steel industries, which is about 4 million tons is present.

(c) Metallurgical coal is used for making hard coke required for the reduction of iron ore to pig iron in blast furnace and is, therefore, indispensable for the Iron and Steel industry.



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 ।

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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PARLIAMENT OF INDIA

Wednesday, 27th February, 1952

The House met at Half Past Nine
of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

10-25 A.M.

PAPER LAID ON THE TABLE

EAST PUNJAB UNIVERSITY (AMENDMENT)
Act, 1952

The Minister of Home Affairs and Law (Dr. Katju): I beg to lay on the Table a copy of the East Punjab University (Amendment) Act, 1952 (President's Act No. IV of 1952), under subsection (3) of section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1951. [Placed in the Library. See No. P.268/52.]

APPROPRIATION (RAILWAYS)
VOTE ON ACCOUNT BILL

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

"That the 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, be taken into consideration."

Mr. Speaker: Motion moved:

"That the 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, be taken into consideration."

As hon. Members are aware, it has been our convention not to have any discussion over these motions as the Demands are already granted. Of course the ban is not absolute, and in proper cases a short statement may be permitted. I have a request from Pandit Kunzru that he wishes to have some explanation from the Minister in respect of a couple of points which he has mentioned and I am therefore, as a matter of exception, permitting him to make a short statement in ten minutes or fifteen at the most.

Pandit Kunzru (Uttar Pradesh): We are trying here to follow the procedure of the British House of Commons. But as you realize, Sir, in the British House of Commons there is much greater freedom of discussion than there is here. What I mean is that a Budget which deals, taking income and expenditure together, with a sum of about Rs. 550 crores has not got to be disposed of in two or two and a half hours. Nor can a Member be asked to finish all that he has to say on so important a subject in ten minutes or five minutes or even less. When here, Sir, the Members can find practically no opportunity of expressing their opinions when the demands for grants are under consideration, it is but right that they should be given an opportunity to give expression to their views on the Appropriation Bill.

The points on which I wish to speak today are the number and usage of the rolling stock including locomotives and fuel consumption. A great deal was said yesterday about wagons, but the remarks that were made brought forth no reply either from the Minister of Railways or the Minister of State for Railways. I should like today to examine the question of the turnaround in respect of which some credit has been taken for the administration in the introduction to the explanatory Memorandum, which my hon. friend, the Minister of Railways rightly called a piece of imaginative optimism. The total number of service wagons in the

[Pandit Kunzru]

year 1950-51 was a little over 152,000, but the average number of wagons that could be used for the carriage of goods was about 147,000 only and the rest were part of the Coaching traffic. Now, if we deduct from this the number of wagons in shops and sick lines which could not be used and which amounts to about 11,000, we find that the number of wagons that could be used for the conveyance of goods was about 136,000. As above 11,000 wagons were loaded daily, we have to divide this figure by the figure for daily loadings which amounts to 11,058 in order to get the turnround, that is the number of days taken by a wagon to return to its starting station. If we do so, we find that the turnround is 12.3 days but it has been stated in the introduction to the explanatory Memorandum that it was only 10.5 days. If we deal with the figures for 1949-50 in the same way, we find again that the turnround was not 11 or 11.1 but 12.26 days. It will thus be seen (1) that the turnround was not as low as is claimed in the introduction to the explanatory Memorandum or, I believe, in the Railway Administration report and (2) that there was no improvement in the year 1950-51 as compared with the year 1949-50. The turnround would be 12.26 days in 1949-50 and in 1950-51 12.36 days on the assumption that all the wagons were utilised. If, however, the figures given in the introduction to the explanatory Memorandum are correct, it means that a large number of wagons remained unused. Their number should have been about 20,000 in 1950-51 and about, I think, 14,000 in 1949-50. If this is true, I should like to ask Government how it was that at a time when more wagons were demanded by the public, so many wagons remained unused during both these years. The proper utilization of wagons is a matter of great importance, not merely to the economy of the country but also to Railway finances, for we can do by a proper utilization of the stock at our disposal with a smaller number than would be needed. If it was properly used, it was obvious that it would result in considerable saving.

The next point that I should like to deal with is the engine usage to which I referred the other day. I refer both to the broad-gauge and the metre-gauge. I dealt with the position on the broad-gauge in some detail and then I pointed out that the position on the metre-gauge was much the same, if we take into account the recommendation of the Indian Railway Enquiry Committee. My hon. friend, the Minis-

ter of Railways pointed out in his reply that the comparison with the recommendation of the Indian Railway Enquiry Committee was not correct, because it did not take account of those Indian State Railways that had now become part of the Government Railways. In view of this statement of my hon. friend, I looked up the figures in volume II of the report for 1941-42 and I found that the Indian Railway Enquiry Committee was influenced in its recommendations by the figures relating to Engine utilisation in that year. I found that the table relating to the utilisation of engines on the metre-gauge lines included the Jodhpur and Bikaner State Railways. It included the Mysore State Railway also. I further found that the average engine-miles per engine-day per engine on line was not affected by the inclusion of the State Railways, and that it was 81 for the entire metre-gauge lines that were taken into consideration by the Indian Railway Enquiry Committee. My hon. friend the Minister of State for Railways will therefore see that the observations that I made with regard to the utilisation of engines on the metre-gauge Railways was in no way incorrect.

Lastly I should like to refer to fuel consumption on our Railways. I am glad to find that in this respect there has been substantial improvement since the year 1948-49. In that year, the number of pounds of coal consumed per thousand gross ton miles was 213. Deterioration in this respect was the highest in that year. In 1949-50 this figure fell to 200.9 and in 1950-51 to 191.8. On the metre-gauge too, there has been a good deal of improvement. The deterioration that took place there was much less than on the broad-gauge lines. The consumption of coal per thousand gross ton miles has fallen between 1948-49 and 1950-51 by a little over eight pounds. This is all to the good and both the Government and the Railway administration deserve to be congratulated on it. But, I should like to point out that even these figures do not give us any cause for satisfaction when we compare them with the figures for 1945-46 and 1946-47, and in the case of the broad-gauge, for 1946-47. But, it can be shown that in the year 1950-51 the consumption of coal per thousand gross ton miles in respect of goods trains was better than in 1946-47. With this exception, the statement that I have made stands. I shall give an example to show what I mean. While in 1950-51 the consumption of coal per thousand gross ton miles of passenger service was 191.8, the corresponding figure in 1945-46

was 172.6 and in 1946-47 it was 190.2. In 1946-47, certainly the Railways complained that the quality of the coal that they have received had considerably deteriorated. Similarly, the corresponding figures for goods services relating to the years 1950-51 and 1945-46 are 164.1 and 162.6. I do not think I need give exact figures relating to the metre-gauge for the years 1950-51 and 1945-46 and 1946-47. I am sure that my hon. friend the Minister for Railways is aware of the fact that in spite of the improvement in the consumption of coal, there is a great deal of leeway yet to be made up. I am pointing out these figures not in order to be severe on the Railway Board, but in order to express the hope that the care that is now being taken will be continued and that efforts will be made to further reduce the consumption of coal.

[SHRIMATI DURGABAI in the Chair]

On this point, I should like to draw the attention of the Government to what was known formerly as the Nizam's Guaranteed State Railway. The Indian Railway Enquiry Committee found that the consumption of coal on this Railway was substantially less than on the other broad-gauge railways. It recommended that the procedure followed by this Railway should be adopted on the other broad-gauge railways in order to check the consumption of coal, to find out the causes for the increased consumption of coal and to stimulate emulation among the drivers. I shall just quote a few figures to show to the House how great is the difference between the Nizam's Guaranteed State Railway and the other broad-gauge Railways in 1946-47 in respect of consumption of coal. While in 1946-47 on the Nizam's Guaranteed State Railway the consumption of coal per thousand gross ton miles was 141.7 for passenger services, it was 190.2 for other Railways—broad-gauge Railways. Similarly, while the figure was 135.6 for goods services on the Nizam's Railway, it was 168.3 on the other Railways. The consumption was not always so low on the Nizam's Railway. It was as high as 182 for passenger services and 141.8 for goods services in 1938-39; but it was steadily brought down by the methods referred to in detail by the Indian Railway Enquiry Committee. Since 1946-47, there has been a deterioration even on the Nizam's State Railway. Perhaps the deterioration began when that Railway was brought under the control of the Government of India.

Shri Gopalaswami: Not 1946-47.

Pandit Kunzru: Not 1946-47, because at that time, the consumption of coal was very low; the deterioration took place subsequently. In the figures that I have there was deterioration both in 1949-50 and 1950-51. So the deterioration must have taken place when this railway was being administered by the Government of India. Now, I should like to know whether the procedure followed at least formerly on the Nizam's State Railway is being followed in accordance with the recommendations of the Railway Enquiry Committee, on the other railways? And secondly, I want to know what is the cause of the deterioration on the Nizam's State Railway? Its record in the past and in war time was so good that I think every care should be taken that the scheme for the amalgamation of railways on which the Railway Minister has set his heart does not lead to deterioration in any respect. I may say a word more before I leave this subject. It may be said that there was a difference in the gradients between the Nizam's State Railway and the other railways. There may well have been this difference, and there may be other differences also. Not all the broad-gauge railways are alike in this respect. Moreover, the difference is too great to be explained, in my opinion, by any such differences in gradients.

I hope my hon. friend the Railway Minister will have more time to deal with the questions that I have raised today than he had when replying to the points that were raised yesterday by other Members.

May I Madam, with your permission, join those Members who spoke yesterday on the formation of railway zones in Northern India in saying that it would not be unwise of the hon. Railway Minister to leave this matter to be considered by the new Parliament and the new Government? When so many things, important and unimportant, are being left for consideration a few months later, no harm would be done if this question is left over for final disposal by the new legislature and the new Government that will come into existence.

The Minister of State for Transport and Railways (Shri Santhanam): My hon. friend Pandit Kunzru has raised many difficult statistical points. The figures which I have collected do not deal precisely with those particular figures which he has quoted, and so I have some difficulty in replying to him.....

Pandit Kunzru: May I interrupt my hon. friend and say that the figures I have quoted have been taken from the Railway reports, I believe in all cases.

Shri Santhanam: I had no intention to question the accuracy of his figures. What I wanted to say was that I have got statistics for certain types of operations while he has taken statistics from the records for certain other matters. And so I may not be able to deal with those particular statistics in detail. I never meant to question the accuracy of the figures he quoted. I would, therefore, make an offer to Pandit Kunzru. If he could find the time, I am prepared to arrange a meeting with our members of the Railway Board and others whose business is to deal with these figures, to go into them in great detail and see how far his contentions are correct and then, if they are correct, to discuss with them as to what steps should be taken to put matters right.

Pandit Kunzru: May I point out that the question of wagon supply and turn-round was raised, though in a different manner, two or three days ago and it was referred to again in this House. Government should, therefore, have been prepared to give an answer and we should have an answer at least today on this matter.

Shri Santhanam: Yes, and I do propose to give some answer; but it is quite possible that it may not meet exactly all the points that my hon. friend has raised, because you can take figures and compare them in various ways and it may not be possible for me to compare them in the same way in the open House as he has done. This is a question to be discussed round a table with the experts concerned and, therefore, if he can find the time, I am prepared to arrange for such a meeting.

Now, I shall try in brief, to explain the position of the railway administration with reference to the various matters that the hon. Member has raised. I shall take the last matter first, namely, the question of coal. The hon. Member himself has admitted there has been a steady improvement in recent years regarding the consumption of coal which had gone up to a very high limit in 1947-48 and 1948-49. The reasons for this rise were two-fold. One was that the coal became controlled and as a result of that the railways were not able to get the same standard quality of coal which they were getting before this coal control was instituted. The railways were

asked to take little bits of coal from various collieries so that the wastage was much greater. The second reason was that the price of coal increased greatly and so pilferage all along the way and also at the stocks increased. Owing to these two causes our consumption figures increased and we have been having a regular drive during the last two years to reduce the consumption of coal. Lastly, we have recently appointed a high-level Committee to go into the supply of coal, the quality of coal, the consumption of coal and the distribution and procedure or the way in which the accounts are kept and all these matters. In these matters, such as the keeping of the accounts, the method of measurements and all that, there may be scope for a great deal of improvement and we have to see what we can do in order to attain our aim which is to obtain the maximum possible improvement and the minimum consumption of fuel. The hon. Member raised the question of the consumption of coal in the Hyderabad State Railway. The position was that this railway was getting coal of constant calorific value from the Singareni collieries and not from a large number of collieries. Therefore, naturally their consumption was a little less. But as soon as it came under our control it took coal just as the other railways and also there was more pilferage owing to the higher price, and to some extent the position might have deteriorated. But I do not see what relevance it has to the question of amalgamation, because his point was that the Nizam's State Railway as an individual unit had deteriorated even before it was merged. Therefore it was not a question of merging or not merging and...

Pandit Kunzru: I did not say that the Nizam's State Railway had deteriorated before it was merged.

Shri Santhanam: It was merged only recently and I do not think my hon. friend has figures after this merger and so.....

Pandit Kunzru: I said since it came under the control of the Government of India there was deterioration.

11 A.M.

Shri Santhanam: That is exactly my point. Supposing we had kept it separate, then also his argument applies. Therefore it has no relevance to the question of merging and not merging. The question is reduction in consumption of coal which we agree is his objective and our objective and we are taking all possible steps towards that end.

Shri Massey (West Bengal): On a matter of information, Sir. The Minister spoke of coal being pilfered but due the high cost of coal. May I say that the coal that is pilfered is shown as a minus receipt. That means it is not there. Therefore it does not affect your consumption of coal per mile. It is not received by the Railway and therefore does not affect consumption.

Shri Santhanam: I am not so sure about that. What about pilferages in the dumps. We are not weighing every time in every dump. All that is taken in basket to the engine and each is roughly calculated and there is pilferage throughout the line. Therefore it is not as if at every place there is accounting. A considerable part goes into consumption account.

Shri Massey: But the amount written off in later years is far more than the period under which we are talking of when consumption was lower. In earlier year in a particular railway it was .05 and now it is 2 per cent.

Shri Santhanam: Mr. Massey is a Member of the Committee and I shall be glad if he goes into this question in detail and induces the Committee to make suitable recommendations.

Regarding the usage of locomotives, we have to remember that during the war the bulk of the locomotives were put to terrible strain. During recent years we have been able to replace a certain proportion of them but the bulk of the locomotives even now were those that were subjected to heavy strain during the war as a result of which the percentage waiting under repair rose from 18.88 in 1938-39 to 20.76 and in 1949-50 it came down to 20.31. It is only in September, 1951 we have got this percentage to what it was in 1938-39. Therefore it was inevitable that with a large number of over-used locomotives the engine miles per day should decline somewhat. It was 79 per engine on line in 1938-39 and it came down to 71 in 1948-49. It then rose up to 75 in 1949-50 and in 1950-51 it is 76. If you take the engines in use, it was 115 in 1938-39, it came down to 102 in 1948-49, it has gone up to 106 in 1949-50. In 1950-51 it went up to 107. These figures relate to broad-gauge. A similar situation occurred on the metre-gauge also. From 76 in 1938-39 it came down to 70 and it is 74 in 1950-51. Engines in use came down from 110 to 105 where it practically remains today.

Now let me quote a few figures for the usage of wagon and coaching stock.

The average wagon load in 1948-49 during the run throughout India was 15.7 and in 1949-50 it was 15.4 and in 1950-51 it is 16.1. In this connection I may say that the average wagon load does not depend only on the amount which a wagon carried but the trends of traffic. Often we have to carry a little less than the average entire wagon load. If a particular traffic declines in a particular area, we cannot wait till we can load the full wagon. We have often to run wagons a little short and to the trends of trade which have a great effect on the average wagon load. The turnround from 1948-49 was 13.1 for the broad-gauge; in 1950-51 it is 11. The vehicle miles per vehicle day was 152 in 1948-49; it is 164 in 1950-51, wagon mile per wagon day was 33.1 in 1948-49 and 38.7 in 1950-51. Similarly on the metre-gauge the average wagon load has risen in these two years from 7.41 to 7.60, the turnround from 7.4 to 6.6, vehicle miles from 119 to 131, wagon mile from 29.1 to 31.8. From all these figures it is obvious that there has been a steady improvement. Whether any of these particular figures have reached the target envisaged by the report of the Kunzru Enquiry Committee I cannot say. Probably some of them have not but it is obvious that we are aiming to achieve that target if possible to overtake that wherever we can. Beyond that I do not see what exactly can be done. Unless my hon. friend says what particular steps could have been taken within this year to make it still better, the mere fact of saying that we have not reached the target does not go very far because in a huge administration like the Indian Railways we have to step up this question of efficiency all over. Sometimes the efficiency improves at one place, unfortunately in some other place it falls back for some reason or other and when we join the all India figures, naturally it is the natural result of all these efforts. Unless it is contended that the efforts are not being made or that the efforts are not made with any kind of success, I do not think there is any point in criticism. It was never our contention that the things have become perfect and that nothing more needs to be done. That is not at all the point. In fact, during these four years the number of Committees which have gone into the various aspects of Railway administration have been so many that it will take the time of the House to describe those Committees and their work. And not only have those Committees been appointed, there has not been a single report of any Committee which we have not tried to implement as soon as it was received—that I think is more important. We have

[Shri Santhanam]

taken immediate action whether it was the report of the Health and Hygiene Committee or of the Stores Committee. Recently we had appointed a Committee to consider the question of reducing the time for the transit of smalls and parcels and on the very day that Committee submitted its report we started implementing it. In the case of every Committee which has been appointed, as soon as we got the report it was immediately analysed and a target of one or two months was fixed within which the whole process had to be completed. We had appointed a Committee to go into the legal machinery required to deal with the claims cases. That Committee has just submitted a report and we have put a high level officer to investigate the question of why the claims have been increasing and what arrangements have been made in that connection.

Therefore, there has not been a single aspect of Railway administration which has not been subjected to searching scrutiny. We have been taking steps all along the line. It is not our contention that our steps are concluded or that full results have been achieved. I think the next Ministry will reap the full fruits of all the enquiries that have been conducted during these years and I am sure at the end of the next five year period the full economic effect of all that has been done during this period will be fully realised.

Shri Massey: I do not want my hon. friends to be under a wrong impression. I do not think either Pandit Kunzru or myself feel that the Ministers are not doing what is wanted. My point is this, that these statistics must be true, that they must give the Ministers and Parliament the true position of the working of our Railways. On this question of wagon turnround, I am not letting out Railway secrets but I will tell the Minister that four years ago this question was taken up very strongly with the Railway administration and it was pointed out that the Railway Administration's figure was 16:1. Immediately the Transportation Officer called the Statistical Officer and said, "You work out this figure like this", and he brought it down from 16:1 to something like 10:0. That gives.....

Shri Gopaldaswami: I should like the hon. Member to answer one question. Is he prepared to take personal responsibility for the statement that he has made that a particular officer gave directions that a particular figure should be worked to? That is an in-

situation which I must repudiate on behalf of the officers working under me.

Shri Massey: All my hon. friend has to do is to look at the working of the particular Railway and he can get that information.

Shri Gopaldaswami: My question was the correctness of the statement that the hon. Member made that a responsible officer of the Railway gave directions to his subordinates to work to a particular figure. Well, if that conduct had come to my notice that man would have been struck off the list immediately.

Shri Massey: When I say work to a particular figure I meant the way of calculating your statistics. I may have one way and you may have another way of calculation and both people can be right. We want one simple way of calculating statistics. As you know statistics are very important and if there is a slight variation in our methods of calculation.....

Mr. Chairman: I do not want a speech to be made again.

Shri Santhanam: With reference to this I would only say that the statistical organisation is one aspect of Railway administration which we have gone into in great detail. The Economic Adviser has been dealing with it continuously and certainly I would invite Mr. Massey to go and have a talk with him because these vague charges here on the floor of the House take no one anywhere as no one will be able to judge how far any statement made either on that side or on this side is correct. So, I would suggest that he should discuss it. Probably he may find that he has also got rather very vague notions of the statistics relating to the Railways.

Shri Massey: I am very grateful.

श्री भट्ट : श्रीमान, मैं एक जानकारी चाहता हूँ, क्या माननीय मंत्री जी यह बतायेंगे कि मीटर गेज के इंजन पर कोयला ब्राड गेज के इंजन से कितना कम खर्च होता है ?

[**Shri Bhatt (Bombay):** Will the hon. Minister kindly state for my information the extent to which coal consumption in metre-gauge is less than that in broad-gauge engines?]

Shri Santhanam: It is all in the latest reports. If he looks at them he will get the information.

श्री भट्ट . में उस का प्रपोर्शन (pro-
portion) चाहता हूँ लेटेस्ट रिपोर्ट
(latest report) तो मेरे पास है ।

[Shri Bhatt: The latest report I have got; I want to know the proportion.]

Shri Santhanam: This is a sort of *viva voce* examination on statistics.

Mr. Chairman: The question is:

"That the 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, be taken into consideration."

The motion was adopted.

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

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

Shri Gopaldaswami: I beg to move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY BILL

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

"That the Bill to provide for the requisitioning and acquisition of immovable property for the purposes of the Union, as reported by the Select Committee, be taken into consideration."

The Bill was before this House about twelve days ago and certain points were made by hon. Members. The Select Committee which went into this Bill subjected it to a very searching scrutiny and they have met almost all the objections that had been raised on the floor of this House. I need not take the time of the House by going into all the changes made as they have already been indicated in the report of the Select Committee which has been printed and circulated to hon. Members. However, one of the most important changes that the Select Committee has made

is that the operation of the Act should be limited to six years. The next change of importance is that the purpose of requisition should be specified in the notice of requisition. Provision for this has accordingly been made in the Bill and it has been followed up in subsequent clauses and provision has also been made that as soon as the purpose ceases to exist the property should be derequisitioned.

One other important change is the provision of alternative accommodation to the evicted persons. This has been provided for in the Bill. On the point made, I think, by my hon. friend, Mr. Guha regarding the delay in payment of compensation, the Select Committee has amended the relevant clause whereby now the award of the arbitrator should fix the time within which compensation should be paid.

Another change that the Select Committee has made is regarding the rules to be framed under the Act, and the provision has now been made that those rules should be laid before Parliament as soon as they are made.

These are some of the important changes that the Select Committee has made. The Committee has produced a unanimous report and no note of dissent has been appended to the report.

There are one or two important amendments which have been tabled by some of the hon. Members. If I may give my immediate reaction to them, I may say that the amendment suggested by my hon. friend Mr. Jaspat Roy Kapoor raises a very difficult question. He wants to say that all new constructions which are completed after the passing of the present Act shall not be subjected to requisitioning. That is a thing which it is difficult for Government to accept. But I might make it plain that the policy in this regard has already been given out in the form of a Press Communiqué which was issued last year in January. In that, Government have made it clear that so far as Delhi and New Delhi are concerned, they are not going to requisition any building constructed for residential purposes and completed on 1st January, 1951. Such a building will not be subjected to requisitioning until 1960, i.e. for a period of ten years. That assurance stands. But with regard to other stations elsewhere in the country, it is very difficult to accede to the request which is made in the present amendment.

[Shri Buragohain]

There is another amendment which raises also an important question and that amendment has been tabled by my hon. friend Mr. Deogirikar. It refers to compensation being given in kind. I do not think this kind of thing would be feasible. Provision has already been made in the Bill and the Select Committee has accepted that provision regarding compensation and I think this is quite adequate.

With these few words, I commend this Bill for the acceptance of this House.

Mr. Chairman: Motion moved:

"That the Bill to provide for the requisitioning and acquisition of immovable property for the purposes of the Union, as reported by the Select Committee, be taken into consideration."

Shri A. C. Guha (West Bengal): I must congratulate the hon. Minister for having accepted the motion for referring this Bill to a Select Committee. He has had the good fortune of receiving a unanimous report. There is hardly a Select Committee which does not append a minute of dissent. So, the hon. Minister should realise that if the House is taken into confidence and if the Members are asked to co-operate, they can co-operate in a healthy and helpful manner and this would make the task of the Minister easier.

Some important changes have been made. I opposed the Bill as it was first presented to the House. My main point has been the interest of the tenants who are affected by the requisitioning of land by Government. There has been some provision made here for them, but I cannot say that I am quite happy over it. I would like the hon. Mr. Gadgil to enquire into the conditions of the tenants who were ousted in 1940 or round about that period.

In this connection, I may draw his attention to the stand taken by the Father of the Nation about the tenants who were evicted from the land requisitioned for war purposes. The hon. Minister may remember that Mahatma Gandhi sent one of his trusted disciples to Noakhali and particularly to Feni Sub-Division when some instances of this type came to his notice. I know that in some parts of West Bengal thousands of tenants are still without any shelter. I hope the hon. Minister will take their cases into consideration and try

to see that some compensation is paid to them and some justice is done to the tenants who are at present without any means of sustenance and without any shelter. I have seen some of these tenants myself during the election campaign, and even before that I brought some cases of Panagarh before the House. I cannot say that much redress has been done to those cases. Still people have not got their lands back and those very same lands are now being given to other more fortunate and richer parties. I hope the hon. Minister will take particular care to issue instructions to the Estate Officer in West Bengal to look into those cases and if possible to allot those lands which are still available to the evicted tenants.

There are some cases in Burdwan district, in Nadia, in Twenty-four Parganas and perhaps in Hooghly also. Large tracts of land were requisitioned and when the Government paid any compensation, the compensation was paid only to the landlords and the tenants got almost nothing or nothing at all.

As regards this Bill, we tried to have a definition of 'public purpose', but then some circular defining the policy regarding requisitioning of land was read out to us. I hope the hon. Minister will give the House the assurance that 'public purpose' will be interpreted according to that circular or press note, in whichever way it may be called. Public purpose should not mean simply the obliging of a particular officer and dislodging another private citizen. I do not like that any hard and fast ban should be imposed on the requisitioning of houses for the use of any particular officer, but the Government should take into consideration that this should not become the usual practice. Only on very rare occasions should an ordinary private individual be evicted for the convenience of an officer.

There have been cases now in which private individuals have been deprived of the use of their residences for twelve years and ten years. This Bill, as reported by the Select Committee, tries to put some limitation on this. The time-limit has now been imposed that where houses have been requisitioned some years ago, they should be de-requisitioned within three years. I hope the Government will adhere to this. There have been several other recommendations made, but they are not all put in the Bill. I only wish that the hon. Minister and the Depart-

ment will implement those recommendations in practice. In the matter of the banks, the assurance given to the Select Committee and to the House at the time of passing the Banking Companies Act were not implemented, because Government have felt subsequently that there were difficulties in implementing the recommendations. My apprehension is that in this case also Government may later find out some excuses for not implementing the recommendations. I hope those recommendations will be strictly observed.

Another salutary provision made here is that alternative accommodation should be provided when a tenant is evicted from his house, because the house is requisitioned by Government. This is one of the points which urged me to request Government to send this Bill to the Select Committee. In the Bill, as reported by the Select Committee, there are some phrases like "as soon as practicable", "as soon as may be", "reasonable" etc.

The Minister for Works, Production and Supply (Shri Gadgil): They are all friendly words.

Mr. Chairman: The hon. Member is a member of the Select Committee, the report of which is unanimous. Is it, therefore, necessary to go into these things?

Shri A. C. Guha: I am not objecting to the use of those words. I am only asking the Minister to interpret those phrases by the spirit and not by the letter of the phrases.

As for the payment of compensation, it is said that compensation will be paid within such time as may be specified in the award. It is a common grievance of the public that compensation is delayed for extraordinarily long periods. After the enactment of this legislation, I think Government should make it a point to see that compensation is paid within a reasonable time—reasonable as reasonable human beings will consider it to be, not as considered by some department or by some officer.

With these words, Madam, I commend this Bill, as reported by the Select Committee, to the acceptance of the House.

Pandit Thakur Das Bhargava (Punjab): When I read the provisions of this Bill I was reminded of the debate which took place in this House in the year 1947 when the Continuance of Powers Act was passed by this House. I had then occasion to point out many defects in that Bill and many amend-

ments suggested by me were accepted by this House. But I find that some of the amendments which were then made are now being changed again by this Bill. Not only were some amendments made then, but some assurances were also given to us and I believe those assurances still stand. I would beg the hon. Minister in charge of this Bill to kindly assure us that the assurances given at that time do stand. At that time Mr. Bhalja.....

Shri Gadgil: Does the hon. Member want a reply now, or shall I give a reply in the end?

Pandit Thakur Das Bhargava: I only want a repetition of those assurances. The manner in which that Act was sought to be worked was at that time very pertinent.

Shri Gadgil: All I can say is that this Government is known for keeping all the assurances given.

Pandit Thakur Das Bhargava: I am very glad that the Government has accepted my request and those assurances stand. May I humbly now enquire from the hon. Minister in charge of this Bill why they have taken the trouble of amending the Government Premises (Eviction) Act (Act No. XXVII of 1950) which was only recently passed by this House?

Now I understand this Bill deals with Requisition and acquisition of immovable property, whereas the Government Premises (Eviction) Act (Act No. XXVII of 1950) neither deals with requisition nor with acquisition. That was a Bill for the eviction of certain persons from Government premises and for certain matters connected therewith for the purpose of assessing damages and recovery of arrears, etc. This Bill has got absolutely nothing to do with that Bill. Therefore, my first objection is that these provisions relating to amendment of Act XXVII of 1950 are not pertinent to this Bill and they should not form part of this Bill.

Nowadays when a Bill is presented to this House relevant portions of the previous Acts which are sought to be amended are appended to the Bill. In this case that salutary practice has been departed from—I do not know for what purpose. Delhi is sought to be included within the purview of this Act to provide for the eviction of certain persons from Government premises and for certain matters connected therewith. The definition of "Government premises" is also now sought to be changed. Previously Government premises did not include

[Pandit Thakur Das Bhargava]

lands belonging to a Municipal Committee or Improvement Trust or any lands leased out by the Improvement Trust. Now all those lands have been included in this Act XXVII of 1950. My submission is that if you want to amend an Act, please come in a straightforward manner and say that you want this change. I think that the attention of persons who were affected by the provisions of this Bill has not been sufficiently called to the changes sought to be made and my submission is that clause 25 should not form part of the present Bill.

Now coming to this Bill, I find that some of the changes made are very good. The Select Committee has done very well in importing certain principles into this Bill which are of a very salutary nature. For instance, it has been provided that "no property or part thereof which is *bona fide* used by the owner thereof as the residence of himself or his family" will be requisitioned, and further on they have provided that even if a tenant is evicted from any property as a result of requisitioning then that tenant also will be given an alternative accommodation. So far so good. At the same time the Select Committee has made a change in clause 5 and inserted the words that "All property requisitioned under section 3, shall be used for such purposes as may be mentioned in the notice of requisition". This is a very important change and I welcome it.

We have got on the Statute Book Act I of 1894 which relates to acquisition of properties. In that Act we have certain provisions about requisitioning—sections 35 and 36—and the principles are given. When the Defence of India Act was passed section 19 provided that the provision of section 23 of Act I of 1894 will furnish the guide for purposes of determination of compensation. The only difference made was that 15 per cent. was not to be given. Till 1945 the rule was that the principles which were enunciated in section 23 of the Act of 1894 were to be the guides for purposes of determination of compensation. For a period of nine months the rule was changed, and in 1946 Government came up with a new Bill which subsequently was made into an Act. At that time the Government came with the allegations that the Government had to pay about Rs. 20 crores if the Government accepted the principles which were given in section 19 of the Defence of India Act and that the Government was not able to pay that amount if some of the properties which were sought to be acquired were acquired.

According to the Government the value of lands so far as agricultural lands were concerned was then in the neighbourhood of 25 to 125 per cent. more than it was at the time of the requisition, but in regard to urban property it was alleged that the value of those properties had risen by 300 to 500 per cent., and in Delhi it was alleged that the rise was by 1,000 per cent. At the time when the Bill was sent to the Select Committee many of the Members objected to the principles of that Bill. Ultimately when it came to the House there was an 'agreement' which was put forward by Shri Manu Subedar. Members of the Select Committee were not consulted, and he just surprised some of the Members of the Select Committee by submitting to the House that there was an agreed amendment. I was a Member of the Select Committee on that Bill and on the floor of the House I repudiated that there was any such agreement and that we were never even informed about that 'agreement'. The Bill, however, was passed. But there were good reasons then why the Bill could be passed. After all, during war time when certain properties were acquired and the Government were unable to pay the price in the case of those properties that were acquired, then the Government had a case. But after that we were given to understand that no more properties were going to be requisitioned and no more properties were going to be acquired in the manner that they were acquired in war time. Certainly in war time the necessities of the Government were greater than in peace time. At that time the provision agreed upon was that in regard to rural properties or lands, the persons who were deprived of them would be placed in the same position in which they would have been, if their properties were not acquired, at the time when they were so acquired. And the provision was that land for land was to be given. I think, within three miles of the area acquired. Some such provision was made. But the idea was that in regard to rural people they were not going to be put to any loss. And in regard to urban properties it was said to be 'agreed' for the time being (to which strong objection was taken by me at that time) that 100 per cent. increase in value was only to be allowed. At that time I submitted something for the consideration of the House which, with your permission, I will just read out because it is only a few sentences. I submitted then:

"It is said that as 100 per cent. average is applied the owner

should accept the average as right. I would remind of the proverb which has been repeatedly said in this House: 'Accounts are quite correct; why did the family drown?' Those whose property has been assessed at less than 100 per cent. they will apparently receive less compensation than those and consequently suffer no loss but those the price of whose houses and lands has increased from 400 to 500 per cent., how will they be satisfied by 100 per cent? In my opinion this Act should be named 'Requisitioned Land Expropriation Act'. If a person sells his property at the old price plus 100 per cent. compensation and goes to the market to purchase fresh property, he will get not more than half of his sold property. If this House passes a Bill laying down that half portion of the property of every member of the Assembly shall be confiscated to the Government it will not be harder than the law laying that the owners of the requisitioned lands and houses shall not be given the market price now current, but the market price which was current when the property was requisitioned. Members of the Assembly are very patriotic. They may make and pass any law they desire regarding their own property but nobody has got the right to deprive a person, whose land has been acquired under a law which is universally current in the whole world and which was current in India barring a period of nine months, from receiving the current market value and force to take half or even less than half the current price of his property."

Even now I submit the same thing so far as the question of the value of the property is concerned. I should understand that every person should be paid the price which is the market value of the property today. When a person is deprived of his property, suppose a cultivator is deprived of fifty acres that he possesses, what will he do? You should give him property of equal value—though not near his house—say at some distance. This is satisfactory. If you just give him half the price I should say that he will never be able to purchase that amount of property which he possessed. Why should a person whose misfortune it is that his property is taken over by the Government be asked to make a sacrifice which is disproportionate to his means and which all the others do not make? If I am the unfortunate person whose property is requisitioned

there is no reason why I should be deprived of the market value of the property on the day on which it is acquired. It may be said that as a matter of fact there may be some increase in the value which he has not earned and that it is unearned income. But at the same time he wants property, not income. If I am deprived of my house I want a house to live in, and I cannot purchase a similar house for the price I am given, as compared to the price which the house would have fetched if it had not been requisitioned. After all, there are many properties which could have been requisitioned many many years ago. Why did not the Government acquire them earlier? It is Government's own fault. Today if there is requisitioning, the price to be given should be the market value of that property and not merely an increase by 100 per cent.

I do not want to read from other portions of my speech. I submitted then, and I submit now, that so far as cultivators are concerned it is very good that you want to do justice to them—though in the present provision it has not been done. But in regard to urban property also, those urban people are also made of flesh and blood and they should also be treated justly. There is no reason why, because you did not acquire in time, you should now want to give a price which is only 100 per cent. more. After ten or twelve years prices have now risen according to yourselves. It was stated in 1947 that they had risen by 300 to 500 per cent., and now by this time the prices have risen all the more. There is no reason why you should deprive him of the market value of the property. So far as the question of value is concerned, it is a very wrong provision. We should make a provision that we do not expropriate the property of any person and that we give him the market price which he deserves according to the universally accepted principles of compensation which are enshrined in the Act of 1894. That is so far as the price is concerned. And I have given an amendment that the word "less" should be substituted by the word "greater". I want that you may give the price of today, that is when you are acquiring the property. Secondly, if the price is to be double the price on the date of requisition, I humbly beg to submit that you are asking the man to part with his property compulsorily. It is not of his own volition that he is parting with it. The previous provision of 15 per cent. we have departed from. All right. But there is no reason why we should give him half or even one-

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third or one-fourth of the value of the property.

As regards the other provisions of the Act, some of the provisions are such that every person must take exception to them. So far as the question of requisitioning is concerned, it should be a rare act but when a thing is requisitioned, I can understand why this Bill should provide that a person can place his objections before the competent authority and ask them to consider and the competent authority may if found reasonable come to the conclusion that the requisitioning may not be made. Then again you provide an appeal. If the competent authority does not fairly consider his objections, he can go to the Central Government and make an appeal and the Central Government may consider that the case is very hard and they will be pleased to give him justice. The real question comes when you acquire the property and then there is absolutely no provision in the Act. There should be a provision in the Act that at the time of acquisition also a person may be enabled to go to the Central Government and submit as a matter of fact that his property should not be acquired. I am very glad that the justice of this plea has been accepted by my hon. friend and he has been pleased to assure me that if there is an amendment to his liking on the paper, he will be pleased to consider it favourably. At the same time, I would submit that though I have not brought any amendment to provide for an appeal, there is good reason for it. Even in the present Act, the principle is that if the Government or the executive decide that a public purpose will be served by the acquisition of a certain property, there is no appeal even provided today in the Act I of 1894. At the same time I am rather jealous that a provision like this should exist that at the time of acquisition also the Minister or the Government should certify that the thing is being required for a public purpose. Unless and until this condition is met, I am not satisfied that acquisition will not be for purposes other than for a public purpose. When you consider the question, how and under what circumstances and what are the principles of requisitioning or acquisition of a property, certainly we must come to the conclusion that it is not public purpose alone, but there may be other things which may compel the Government to acquire a property. For instance, we find in clause 7(3) it is stated:

"No property shall be acquired under this section except in the following circumstances, namely:—

(a) where any works have, during the period of requisition, been constructed on, in or over, the property wholly or partially at the expense of the Central Government and the Government decides that the value of, or the right to use, such works should be secured or preserved for the purposes of Government;"

Before reading part (b) I would submit a word in regard to (a). I submitted in 1947 and I just repeat my arguments because the arguments were as good then as they are now. The words in part (a) does lead one to believe that if Government wants to become greedy, if Government thinks that the value has increased and if the Government does not wish to part with the requisitioned property, then Government can keep it without any reason whether it is required for a public purpose or not. What are the works referred to? If a road is made, if the land is improved or if a well is sunk, or construction made partially or wholly on the land, then it is within the discretion of the Government. What are the reasons? If the Government is of the opinion that the well or the road should be secured or preserved for the purposes of Government. Then the Government wants to secure the value for itself. At what cost? At the cost of the person whose property has been requisitioned. Why should the Government want to secure the value for itself and not for the private person whose property was requisitioned. The wording of clause 7(3)(a) is capable of this meaning. It may be that the value of the property has increased. First of all you go and requisition the property for a number of years unnecessarily and then because the value of the property has increased, it is within the discretion of the Government or the Minister to say that as the value has increased, therefore the property would be acquired. This is wrong in principle. I raised this objection in 1947. I was assured by the Member in charge of this Bill that the Government was not going to accept this principle, that Government would never be greedy, that they would be happy to restore the properties and it was on account of these reasons, I requested the hon. Minister to give us an assurance. I know, ordinarily the Government will not behave in that manner as long as our Minister is there. I know that he is himself against all property. I have heard him speak on the floor of this

House against property. I am not very anxious on that account, but any Minister may be in charge and any Minister may use it and it is therefore, that I am submitting that as a matter of fact these words are not enough, if they are not preceded by this condition that the Minister in charge should certify "that it is necessary in the public interest to acquire this property." If these words are not there the clause will acquire a meaning which the House never dreamt of and even never thought of in 1947 and which undoubtedly may be taken advantage of. I know that our Ministers will not take advantage of this, but at the same time we must guard against all contingencies and therefore, unless and until these words are added "that the Government has decided that it is necessary to acquire the property in the public interest", I will not be satisfied with this provision. I am not using the words 'for a public purpose' because 'public interest' will be served even if the provisions of 7(a) and (b) are construed in the right spirit. I can think of an expression in which it may be necessary under parts (a) and (b) to acquire that property in the public interest. I am not insisting on that. I am really giving away the principle when I do not insist that the words should be "when it is necessary to acquire the property for a public purpose." I am not using those words. I only want that these words may be used: "Government has decided that it is necessary to acquire the property in the public interest". That should be enough. This is a compromise of a principle in the public interest. Therefore, I would request the hon. Minister in charge to kindly agree to this change because this change on the one hand will protect the private citizen and on the other it will also give a handle to Government in appropriate cases to acquire property in the public interest.

This clause 7 should be so amended as to provide in the first instance an occasion for every private citizen to go to the Central Government and submit his objections and after the objections are considered and the Government comes to the conclusion that in the public interest it is necessary to acquire this land only in that case the acquisition may be made and not otherwise.

Then again when the Act of 1947 was passed, we were practically assured that since the war was over, steps will be taken to de-requisition the properties as much as possible and as early as possible. I do not know how that promise has been kept.

I have heard some of the Members saying that in some parts of India those properties which were requisitioned in the time of war have not so far been released. After all requisitioning is only for a certain purpose and if for years to come you can neither acquire nor de-requisition the property, it means, then you are not taking advantage of a provision fulfilling the purpose for which it was intended. Requisitioning is a simple temporary affair and acquisition is a permanent affair. If the requisitioning is made then one should think that the requisitioning should be for a very temporary period. I understand some houses were requisitioned when some of the sons of the owners were minors. If a house was requisitioned, say, twelve years ago, then the person who owned them had no necessity to own and live in more than one house. Now circumstances have changed and some of the sons have become majors and they require the houses. Even this provision which has been introduced by the Select Committee will not be enough. A person requires two houses if the family grows after some years. He wants two houses instead of one, but he will have only one house and not more. So far as the value of the property is concerned, I know of a case. A gentleman came to me from Delhi whose house was requisitioned by the Government many years ago. He came to me in distress. He wanted to get his house back, but he could not. Though the house was vacated by one Embassy, it was very soon given to another Embassy. I have no objection to that. Government must have the houses they require for their purposes. At the same time, the unfortunate person whose house happens to be requisitioned must get it back if he wants it. Government requisitioning accommodation is one thing. But, the unfortunate man whose house is requisitioned should not be placed in such circumstances that he is put to the greatest possible hardship. If a person has a house which will fetch him Rs. 50,000, if it is requisitioned, it will fetch only Rs. 25,000. He should not be placed in such a position that his sacrifices are much greater than those of an ordinary citizen. I have no quarrel with the principle that the Government should be in a position to requisition the houses they require. But, there is no reason why for the mere reason of their being requisitioned, a person should be made to suffer much more than an ordinary citizen. This is the basis on which I would request the hon. Minister to consider the points and accept the

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important amendments that I have submitted. That is all I have to submit at this stage.

12 Noon.

Pandit Kunzru (Uttar Pradesh): As rightly pointed out by my hon. friend Mr. Buragohain, this Bill has undergone many changes as a result of its examination by the Select Committee. The House will remember that a great deal of the opposition to the Bill existed on account of the power that the Government had to requisition property occupied even by the owner or his family. There were other objections too. But, I think that this power caused greater resentment than any other provision of the Bill. I am glad to see that it has been provided in clause 3 of the Bill that no property in which the owner himself or his family lives will be requisitioned. It has further been provided that no property shall be requisitioned unless the object for which it is being requisitioned is stated by the Government at the time of requisition so that when it is not necessary for that purpose, it may be returned to the owner or to the persons occupying it as tenants and not be used for any other purpose to which Government wants to apply it. Lastly it has been laid down that the Bill will be in force for a period of six years from the date of its commencement. Of course, it can be renewed; but it can be renewed only after further discussion by Parliament.

The importance of these alterations are obvious. But, the question of residential property, that is property occupied by the owner and requisitioned before the passing of this Act, requisitioned in 1939 or 1940, has not yet been properly solved. The matter was considered at great length by the Select Committee and it made the following recommendation:

"We further feel that in respect of residential accommodation already under requisition for periods exceeding six years, every effort should be made to derequisition them, if they, are *bona fide* required for the residence of the owner, as early as possible, preferably within a period of three years."

I do not know whether my hon. friend Mr. Buragohain said anything in his remarks with regard to this recommendation of the Select Committee. If he has not, may I request him and my hon. friend Mr. Gadgil

to make the position clear? I hope that he will be able to assure the House that they will do their best to carry out the recommendations of the Select Committee. If they do so, then, the position with regard to requisitioning of residential property, that is property in which the owner himself or his family lives will be satisfactorily settled and I am sure the public resentment against it will not be as much as it is now.

There is another important question to be considered in connection with this Bill: that is the special procedure laid down for the requisition of property. My hon. friend Pandit Thakur Das Bhargava has dealt with it at length. Besides, the life of the Bill is limited to six years. I shall not therefore say anything more on this subject than express the hope that six years later the Government of the day will not come forward to ask for a renewal of the life of the Bill. The Bill deals with an emergency created by the war and I think we are entitled to look forward to a time when the special procedure laid down in it for the acquisition of property will cease to exist. If Government, on general grounds, feel that the procedure ought to be altered, then, the substantive law on the subject should be dealt with in a proper manner.

With these remarks I venture to express the hope that the Bill will be able to find an easy passage through the House.

Mr. Chairman: The hon. Minister.

Shri R. K. Chaudhuri (Assam)
rose—

Shri Gadgil: Madam,.....

Mr. Chairman: I am just asking whether we should not now hear the hon. Minister.

Shri R. K. Chaudhuri: I wanted to speak on this important Bill.

Mr. Chairman: The agenda is very heavy.

Shri R. K. Chaudhuri: May I speak?

Mr. Chairman: Yes; I cannot stop the hon. Member. But, I have called the hon. Minister.

Shri Gadgil: What is the position, Madam? May I continue?

Shri R. K. Chaudhuri: Madam, I want to raise one or two points which have not been raised yet by anyone in this House.

Mr. Chairman: But I have already called upon the hon. Minister to speak. Of course, there are the amendments to the various clauses and when they are being moved and discussed, the hon. Member will have opportunities to raise his points. Now that I have called upon the Minister to speak, we may listen to him now. The hon. Member will have other opportunities to speak, but if he wants to speak now in particular, I have no objection.

Shri J. R. Kapoor (Uttar Pradesh): Madam, I have been standing up so often and so I should have the first chance. And I am a member of the Select Committee.

Mr. Chairman: I would then suggest to the hon. Members that since I have already called on the hon. Minister and as he has already started, we shall now hear the hon. Minister on the points already raised. If hon. Members still want to speak, the proper occasion will be when we take up the clauses and their amendments.

Shri Gadgil: I am glad that various points have been raised in the course of the discussion here, although the report submitted by the Select Committee was a unanimous one. The first point that was raised was by my hon. friend Mr. Guha and that was about the position in West Bengal. I think he has slightly exaggerated the position and I do not think there are thousands of tenants who have been expropriated. As a matter of fact, whenever no land is required, it is being de-requisitioned by the Defence Ministry. Where that Ministry has not come to any conclusion with respect to any particular area, what the Ministry usually does is to let out that portion of it for cultivation on payment of a nominal rent. Another point raised by Mr. Guha was that compensation was not being paid to the tenants, but that it was only paid to the landlord. Well, that is not the correct position. Whatever the tenant was entitled to get was paid to him, for the standing crop, and whatever his occupancy rights were, they were valued and the tenant was paid that amount that was due to him. The annual rent has got to be paid to the owners and that was being done. Mr. Guha raised the question of public purposes. The same point was raised by Pandit Thakur Das Bhargava. But even in the Land Acquisition Act of 1896, the final word rests with the executive, as to whether it is for a public purpose or not, though in the recent amendment an opportunity is given for the parties concerned to

state their objections even so far as the public purpose is concerned. I think we have done nothing more than that in this Bill. It is undoubtedly true that in the matter of requisitioning, the ordinary citizen has to suffer, but that is because the requirements of the State are of a higher priority and the safety, security and the running of the administration require that the personnel connected with it has got to be provided for, and hence this requisitioning. But the constant endeavour of Government has been to reduce the inconvenience, in its extent and period, as much as possible, and I think, on the whole, this has been managed with that particular objective in view.

My hon. and esteemed friend Pandit Thakur Das Bhargava raised a number of points. One was the question as to where was the necessity for clause 25 of the Bill? I want to make the position clear to him. The 1947 Act dealt with both requisitionings and evictions. That entire Act is repealed, and the 1950 Act dealt with only eviction. Therefore, it was necessary to make those changes which were absolutely consequential, and that is what we have done in this Bill. Then Pandit Bhargava stated that there were two aspects to this question, one rural and the other urban. I agree. It has been our constant policy to release and not to retain for a minute more, or even an acre more than what the necessities of the case justified. I can also assure him that this will be our constant effort, and I have in mind—though I have not yet formulated it finally—a proposal to have a sort of enquiry into the whole question so as to decide to what extent we can de-requisition, particularly rural property and.....

Pandit Thakur Das Bhargava: But this is more or less a question of the Defence Department. They have requisitioned so many pieces of land and they do not derequisition them.

Shri Gadgil: Yes, that is a question between me and the Defence Ministry. The point is, several complaints have been received by this Ministry also. So it is desirable that we should look into it and we do not want to retain, as I said, for one moment or one acre beyond what the necessities of the case justified.

Now, the wider question of compensation was raised and I think that is a matter on which, unfortunately, I cannot see eye to eye with Pandit Thakur Das Bhargava. If as a result of certain acts done by the Govern-

[Shri Gadgil]

ment, the property becomes more valuable than what it was at the time of requisition, surely the State representing the community, in other words, the interests of all the taxpayers and citizens at large, is entitled to claim some portion in the sale. That principle has been accepted by this House in the other Act and even in the city of Delhi when any person who has taken a lease of any portion of land wants to sell it, then the Government takes 50 per cent. of the increased value because that increase in value has been brought about not by any individual effort on the part of the individual, but by social circumstances which have been released during that period as a consequence of the Government's or the community's activities. This is a well-known principle and I do not know whether at the present moment when we are moving more towards equality in society and democracy, the advocacy of a principle contrary to this is really valid.

Then Pandit Thakur Das Bhargava wanted that there should be a certificate by the Minister before the requisitioning is made final. I am glad that he has some faith in the Minister and to that extent I feel flattered. But when the thing is initiated the whole thing comes up before the Minister and he looks into it and then final orders are passed. However, I have taken note of the suggestion for what it is worth and due consideration will be given to it.

Then Pandit Kunzru referred to certain recommendations made by the Select Committee, and particularly to this recommendation that—

“We further feel that in respect of residential accommodation already under requisition for periods exceeding six years, every effort should be made to de-requisition them, if they are *bona fide* required for the residence of the owner, as early as possible, preferably within a period of three years.”

I can assure him that the spirit of this recommendation will be borne in mind and I may point out to him that in the course of last year we requisitioned 60 houses and de-requisitioned 99 and not only this but in a Press Communique that was issued on 24th January 1951 we made it clear that where we find that the owner is without any accommodation then normally in all such cases the owner is fairly treated in the sense that either the

whole or part of the requisitioned premises are de-requisitioned in his favour and in the City of Delhi I think every owner who has been in this circumstances has been fairly dealt with by my Ministry. There are owners and owners who sometimes like to get advantage of this policy, get possession from us and within a few hours the property is sold. Now you will naturally expect us to be more cautious in such matters.

Then the main object with which the Bill was introduced has been, I do not say sabotaged, but considerably modified by the provision that the life of this Bill is limited to six years. What will happen after those 6 years is more than I can prophesy but whatever happens, the Government of the day will certainly deal with it. All that we can say now is that the necessity of having such power is clearly established by experience that we have gained in the course of the last ten or twelve years. It is also the policy that wherever requisition or acquisition takes place, the manner and the method should be such that least inconvenience should be caused to owners and the tenants. That is the reason why we have provided that alternative accommodation will be given to tenants. I think whatever be the Government, these two principles are so basic that I do not think any Government will depart from them but if I am asked which is the best remedy to get rid of requisitioning, the best remedy is to start on a big programme of construction. That aspect also is not neglected and so far as Delhi is concerned, I think the House knows very well what progress we have made in that line both for supplying office accommodation as well as for residential accommodation.

Dr. Tek Chand (Punjab): Very slow.

Shri Gadgil: It is proposed to explore these lines much more than we have been able to do and if we are as a Government able to provide residential accommodation for our servants and also for such public institutions which the House is aware have also a claim on the Government, it will be a good thing and in many cases properties have been requisitioned for the convenience and accommodation of public institutions of known utility and service to the community. With these principles I think no Member of the House will quarrel and we propose to operate this Act with these principles. I hope after

this the House will accept the Motion moved by my colleague Mr. Buragohain.

Mr. Chairman: The question is:

"That the Bill to provide for the requisitioning and acquisition of immovable property for the purposes of the Union, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2.—(Definitions)

Mr. Chairman: There are no amendments to clause 2. Does any hon. Member wish to speak on clause 2?

Shri R. K. Chaudhuri: I wish to speak on clauses 2 and 3. Are you taking them together?

Mr. Chairman: I will put clause 2. It is now open for discussion.

Shri R. K. Chaudhuri: When I see that a Bill of this magnitude and importance referred to a Select Committee and the Select Committee submits a unanimous report, I begin to think what is the real reason for it, whether it was due to the fact that the hon. Members of the Select Committee had not sufficient time at their disposal to look into these things carefully or whether it was due to the dominating will of the hon. Minister in charge—I mean hon. Mr. Gadgil.

Hon. Members: He was not present then.

Shri R. K. Chaudhuri: Whether it was due to the will of Mr. Gadgil who generally gets whatever he wants that there was unanimity on this Bill, I do not want to cast any reflection on the hon. members of the Select Committee because I find that they have gone into the whole question carefully and have some suggestion or other on almost all the clauses of the Bill.

Mr. Chairman: Clause 2 deals with only the definition.

Shri R. K. Chaudhuri: My grievance against the Select Committee is that they did not consider it necessary to touch on the definitions laid down in clause 2. In clause 2 there is mention about the award. An award is the award of an arbitrator but who is this arbitrator? The arbitrator has been appointed by the Central Government and the arbitrator need not necessarily be a Judge of a High Court. He should have merely the qualification of a Judge of a High Court. It is the
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Central Government who is the authority liable to pay compensation and the Central Government appoints an arbitrator who naturally would consider the interests of the Government more than anything else. Can the decision of an arbitrator of this kind be called an award at all when this decision is given by a person who is the creature, I should say, servant, of the Central Government and the interest of the Central Government is at stake? Is it really an award or is it merely an arbitrary order of an officer of the Government?

Then about the definition of the competent authority. I submit that the definition is not proper in the sense that in the definition the qualification of the competent authority is not at all mentioned. Anybody can be considered to be a competent authority by the Central Government and he may be appointed as the competent authority. It does not mention that that authority should have such and such qualifications as may inspire the confidence of the public. Then you find that it is the competent authority who is responsible for any good or ill under this Act and we do not know what will be his qualifications. He may be a man absolutely under the beck and call of the Minister or other persons in authority and he may do whatever they suggest. After all what is this Bill? This Bill is an exception to the general order of things. This Bill cannot be on the Statute permanently. It is quite appropriate that the Select Committee did not agree to put it on a permanent basis but had limited it to a period of six years only. I would submit that even a period of six years is long and there should not be such a long period within which the Government may practically exercise arbitrary powers. What is the necessity of this Bill? Had not Government sufficient time already to construct buildings such as are required by them? Why did not they construct such premises and buildings as were necessary for them? The war came to an end in 1945 and since then they had sufficient time to do so. Why should we have a legislation of this kind seven years after the war was over? My object in making this criticism is that when you want to give such absolute power to the "competent authority" the public should know the qualification of such "competent authority" and it should have been enumerated in the definition itself.

I believe, madam, I am quite relevant.

Mr. Chairman: Not some little while ago when he was discussing the duration of the measure.

Shri R. K. Chaudhuri: Now, I have suggested some amendment to that effect.

I come to another question, namely the definition of "property" which means immovable property of every kind and includes any rights in or over such property. Here I would respectfully point out one thing. There are properties, not ordinarily in towns but outside, which have been in the occupation of tenants for such a period as to entitle them to occupancy rights, properties for which the tenant has got occupancy rights. Has any distinction been made between the landlord of such a property and the tenant? That is a point to be decided. A relevant comparison, I contend, could be made between the properties of persons who have been in business and have been in occupation of such a property for a number of years. There are in various cities well-established business concerns of people who had been in their premises for over 50 years. If such properties are requisitioned those persons in business will be thrown out of business and their business spoiled for ever. I know of several business concerns in Calcutta or even in Delhi, or in our own part of the country where business is being carried on in houses or properties belonging to landlords. If those properties are requisitioned the business established there for 70 or 80 years will be stopped automatically. The businessman has to leave the place and there is no provision for giving him any compensation. Whatever compensation is payable is payable to the landlord. The businessman who has been doing a lucrative business in those premises for over 50 years but not living there is forced to leave the premises. Where is the remedy for him? Why do you not define "property" in such a way that he may also have some sort of remedy? A tenant who has been living in that house for two months only cannot be turned out, but a tenant who has been carrying on business in a particular house or in a particular premises for 100 years even is treated differently. In his case his property can be requisitioned, he can be thrown out in the streets, his business may be entirely stopped and there is no provision for him either in the definition of "tenant" or of "property".

These are the main points which I wanted to make. If I proceed still further I may transgress the limits

of definition and therefore I wish to conclude.

Mr. Chairman: Does the hon. Minister wish to reply?

Shri Gadgil: No. I do not accept it.

Mr. Chairman: I will put the clause to the House.

Babu Ramnarayan Singh (Bihar): No courage to reply?

Shri R. K. Chaudhuri: If there is no reply I want to ask something on a point of information. Is there any provision in this Bill for stopping the requisitioning of property which has been used for business purposes only for a period of 50 or even 100 years? Is there any way to stop the requisitioning of such property?

Shri Gadgil: The provisions of the Bill are before the hon. Member.

Shri R. K. Chaudhuri: I want to know what particular clause provides for it, and whether there is any remedy for that particular man.

Mr. Chairman: I will now put the clause to vote.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Power to requisition immovable property)

Pandit Thakur Das Bhargava: I beg to move:

In page 2, line 9, after "owner" insert "or persons known to be interested".

Shri J. R. Kapoor: I beg to move:

In page 2,

(i) in line 31, after "orphanage" insert "or"; and

(ii) after line 31, insert:

"(c) which has been built after the commencement of this Act".

Shri R. K. Chaudhuri: On a point of order. How can a member of the Select Committee who did not append a note of dissent move an amendment?

Shri J. R. Kapoor: May I say something with regard to this point of

order, Madam? Perhaps you are going to rule it out.

Mr. Chairman: It is not quite necessary for him to speak.

An Hon. Member: It means it is not necessary for him to move it.

Mr. Chairman: That does not mean that, nor is it necessary for the hon. Member to answer that point.

Now Mr. Kapoor's amendment and the amendment of Pandit Thakur Das Bhargava are before the House for discussion.

Pandit Thakur Das Bhargava: What I want to suggest is that it is not only the owner who is to be served with notice and whose objection should be heard. If a person is interested in the property, say, by way of mortgage, or by having a charge or if practically the land has been sold outright to him but the deed has not been registered, in such cases the owner has some interest in the property as the owner, or latter he has a subordinate interest therein. We find that in clause 7 and in other parts of the Bill the words used are "person interested". I would therefore like that those persons who are known to be interested—if the Government does not know there is no obligation, but if it is known that such and such a person has an interest—ought to be served with notice and the notice should not be served only on the owner. That is the purport of my amendment. My purport is that it is not the owner alone who should submit an objection—any person interested, any person who, the Government knows, is interested can also be called in person to give information in regard to that property. If a person does not come forward and give information he can be punished with a fine of Rs. 1,000. My humble submission is that when Government comes to know that a particular person is interested, it is for Government to see that that person is also served with a notice. Otherwise, you might send the notice to a person who has ostensibly an interest but really has none. The man whom you want to approach is the person who is really interested and unless these words are there, my fear is that the notice may be served to a person who has really no interest and the person who has an interest may not be given an opportunity of being heard.

Shri J. R. Kapoor: The amendment that stands in my name is to the effect that.....

Mr. Chairman: He need not move it. It is taken as moved.

Shri J. R. Kapoor: Is my speech also taken as made?

Mr. Chairman: Did I say that the speech has been taken as made? Let there be no misrepresentation of what has been said by the Chair, I only said that the amendment is taken as moved.

Shri R. K. Chaudhuri: I rise on a point of order. We are creating a precedent whereby a member of the Select Committee without appending a minute of dissent may move amendments. Is that allowed?

Mr. Chairman: That was the practice before. There were occasions when members of the Select Committee have moved amendments without recording a minute of dissent. Therefore, at the fag end of this session, I would like to follow the old practice.

Shri J. R. Kapoor: Not only that, but I may submit that even hon. Ministers in charge of the Bills have been in the habit of moving a large number of amendments after the Select Committee report is presented.

Mr. Chairman: Does not matter. Let us not lose time in discussing the point. The hon. Member may in a short speech explain the point underlying his amendment.

Shri J. R. Kapoor: Madam, I will scrupulously respect your wishes and shall make a short speech, even shorter than the word "short" would indicate. The implication of my amendment is that the provisions of this Bill shall not apply to buildings which may be constructed after the passing of this Bill. No doubt, I was a member of the Select Committee and my hon. friend Mr. R. K. Chaudhuri wants to know as to why this amendment was not suggested by me in the Select Committee. He suggested that I did not append a minute of dissent, because we in the Select Committee were dominated by the personality of the hon. Minister Mr. Gadgil. I may assure you, Madam,.....

Mr. Chairman: Let us not go into that now.

Shri Gadgil: I was not even present.

Mr. Chairman: I told the hon. Member not to go back to that point, but explain the object underlying his amendment.

Shri J. R. Kapoor: Well, Madam, if that is the view of the Chair and the submission that I am going to make is so irrelevant and unnecessary, then I have nothing further to add and would simply move the amendment and sit down.

Mr. Chairman: Just a minute. I would like to make the point very clear. The hon. Member was saying that it has been alleged that the Members of the Select Committee were dominated by the strong will of the hon. Minister. When he was speaking on this point, I said it was irrelevant and he need not talk about it. When the hon. Member begins speaking on his amendment I will have absolutely no objection.

Shri J. R. Kapoor: If I were permitted only a second more, I would have said something which I am sure you and the House would have very much appreciated. What I was going to submit was that it was not the dominating personality of any Minister that was responsible for the unanimous report, but it was the charming and winning manners of the hon. Deputy Minister which was responsible for winning even every members to his side, and the Deputy Minister comes from the enchanting province of Assam which includes Kamrup and Kamakhya places where they say that people are converted by magic from one sex to another, i.e. a man can be converted into a woman and a woman can be converted into a man and kept captive. As I have already submitted, the object of my amendment is that it should not be open to the Central Government to requisition any building that may be constructed after this Bill comes into force.

Shri R. K. Chaudhuri: Madam, I rise to a point of order. The use of the words that in some part of the country a man may be converted into a woman and a woman may be converted into a man is a sort of calumny against that part and is highly objectionable.

Shri Gadgil: May I inform my hon. friend that we are not dealing with the Hindu Code?

Mr. Chairman: I do not think that this House is in a position to afford to lose any time in this sort of discussion.

Shri J. R. Kapoor: No doubt, the hon. the Deputy Minister while initiating the debate on this Bill referred to a Government Communique which has been issued last January to the effect that so far as New Delhi and Delhi are concerned, no buildings shall be requisitioned for the next ten years. But this Bill itself will be in force for only six years and in that Communique Government have shown a generosity for which there was no need. My submission is that what holds good for

New Delhi and Delhi also holds good for other parts of the country where there is an equal scarcity of accommodation and where, in order to give encouragement to people to build new houses, this Damocles's sword should not be hanging on their head. There is another particular reason why my amendment should be accepted. So far as the old houses are concerned, this Bill is going to provide that if they are required for *bona fide* residential purposes by the owners themselves, then they shall not be requisitioned. It is good so far as it goes, but supposing a person wants to build a house for his own residential purposes hereafter, what will happen? That is a lacuna here and I would very much like that the exemption granted here in respect of old houses should be extended to the new constructions also. Even if it is not possible for the hon. Minister to accept my amendment, I would request him to give an assurance that even new constructions which may be made for *bona fide* residential purposes of builders will not be requisitioned and that this will be the case all over the country. I hope I am clear. I want a definite assurance that any new building which may be constructed hereafter, if it is constructed for the residential purposes of the builder himself, then wherever that building may be situated in the country, it shall not be requisitioned by the Government. I would like my amendment to be accepted. If it is not accepted, then I would like to have at least an assurance of this kind.

Shri Gadgil: As regards the amendment of my hon. friend Pandit Thakur Das Bhargava, there is a clear distinction between clause 3 and clause 7. Clause 7 relates to acquisition and therefore to payment of compensation. It is very relevant there that every person interested in the same should have an opportunity. As regards clause 3, it is merely in relation to requisition and therefore deals with possession. So the man or the tenant who is in possession must be served with a notice and his objections must be heard along with those of the owner. It is a case where the man who has the possession gets the notice. If he is simply the mortgagee and has nothing to do with possession, then all that he has to do is to recover the interest on his principal. When we are asked to accept this, namely, "persons known to be interested", it makes it very difficult. All sorts of people will come in. We do not know at what point we will stop. Secondly, there will be one objection here, another objection there and so on. The relevant person whose objection must

be heard is the person who is actually in possession. Therefore, it is he who has to get the notice. I submit there is no case for accepting this amendment.

As regards the other amendment moved by Shri Kapoor, the Government of India have made the position clear in the Press Communique to which reference was made by my colleague. We do not want to go beyond that. In fact, by limiting the life of this Act and accepting certain amendments to clause 3 Government have already parted with more powers than their original intention was. However, I do not want to go back on the unanimous recommendation of the Select Committee. My hon. friend Shri Rohini Kumar Chaudhuri said that I dominated the Committee. This is the first time that I get this compliment of ability to dominate over anybody, man or woman. The power that I have is that of sweet reasonableness.

Shri J. R. Kapoor: All I want is an assurance from the hon. Minister that newly constructed houses if built for residential purposes of its owners shall not be requisitioned.

Shri Gadgil: The implications of such an assurance may be more than I am able at present to visualise. Therefore I do not want to take any risk.

Shri R. K. Chaudhuri: I wish to oppose the whole clause.

Mr. Chairman: Before I put the clause I would like to know from Pandit Thakur Das Bhargava whether he is pressing his amendment.

Pandit Thakur Das Bhargava: I do not wish to press it.

Shri J. R. Kapoor: I also do not wish to press my amendment.

Shri R. K. Chaudhuri: I want to say a few words in support of my opposition to this clause.

The first point that I wish to raise is that in the order of requisitioning there should be a period specified of the requisition. The order of requisition should state the object as well as the period for which a particular property is wanted by the Central Government. There is no provision in this clause for the mention of the period. The owner of the property should certainly know as to the length of the time for which the property shall be under requisition. It should not be difficult for Government to mention the period of requisition. Government wants it for a particular purpose.

Sometimes Government wants a good building for a sub-inspector or head constable of police. In cases of that kind it should be quite easy for the Government to state for how long they want the property to be under requisition. Government can construct the requisite buildings for its employees within that time. The maximum period for which a particular property is requisitioned should be for about a year and never more than that.

Under this provision a businessman well established in a business for more than fifty years, catering to the needs of the public can be thrown out on the streets. He may have been in occupation of that building for a long period; still the premises can be requisitioned and he may be thrown on the streets. There is no emergency prevailing now; we are not at war. Perfect peace prevails in the country. Why should there be any necessity of dislodging a man of business from his premises without any reason for an indefinite time? Why should any particular person be dislodged from his house indefinitely? At least he should know for what period he would be dislodged, so that he can make alternative arrangements.

Thirdly, I would expect Government to state clearly what the public purpose is. In the past the word "public purpose" has been misused and abused. There have been instances in which just to accommodate an officer houses occupied by families have been requisitioned and the families thrown out on the streets. "Public purpose" should be clearly defined; "public purpose" could not be for residence of any particular persons. Unless it is required for a public institution a property should not be requisitioned.

Shri Gadgil: May I put a question to the hon. Member?

Will you call it a "public purpose" if I find that there are not enough houses for lodging Members of Parliament and if I requisition a few houses?

Shri R. K. Chaudhuri: Certainly not, because if you go on continuing requisitioning, you will never build houses for M.Ps. You have built some pigeon holes for M.Ps. in North Avenue. You can build such pigeon holes at any time.

Shri Buragohain: I have already made the position of Government clear when I moved the consideration of the Bill. Though war conditions no longer exist independence has brought certain increased responsibility on

[Shri Buragohain]

Government. The activities of Government have increased and consequently the staff under it has increased. There is no hope or any prospect of contraction of governmental activities. That is why there is a continued need for keeping under requisition the property already requisitioned. There may also be need of making further requisitions.

Mr. Chairman: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

Clause 5.—(Rights over requisitioned Property)

Pandit Thakur Das Bhargava: I beg to move:

In page 2, line 48, for "purposes" substitute "purpose".

According to the General Clauses Act the word "purposes" also means "purpose".

Shri Gadgil: Government may require it for two or three purposes.

Pandit Thakur Das Bhargava: Even then the word "purpose" would do. At any rate I do not wish to press it.

Mr. Chairman: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5. was added to the Bill.

Clause 6.—(Release from requisitioning)

Pandit Thakur Das Bhargava: I beg to move:

In page 3, line 23, after "person" insert "entitled thereto and in case of dispute to the person".

1 P.M.

In the previous Act, that is the Act of 1947, the words used are not identical with those used here. I can understand the principle is that the possession must be restored to the person from whom it was taken. It is a salutary principle. All the same we know that in some cases it may be merely a tenant-at-will who may be occupying the house for a month or so. In that case, after a few years, when the tenancy has expired and he has no further right in the property,

I do not see how the possession can be restored to that tenant whose tenancy has expired. Though the possession was taken from him, he is not the person entitled to be restored possession. In the previous Act the words were not these. The words were that the Government shall find out the person who is entitled to possession, that the property must be restored to the person entitled to possession. And in case there is a dispute or such person cannot be found, then this principle may be resorted to, namely, that possession may be restored to him from whom it was taken. Otherwise difficulties may arise, and the person really entitled, the real owner, the person who is really interested in the property may not have the possession restored to him and other complications may arise. That person may have to go to the civil court for possession of his rights, etc., whereas if it is restored to the right person there will be no litigation. Therefore the correct rule should be the previous rule which was enacted in the Act of 1947. It was a better provision. The words in that were that the Government shall specify in its order the person who was entitled to possession and the property was to be restored to him. In many cases of course it may be the person from whom it was taken. I have no quarrel with it as it is a good rule. But the better rule is that it should be restored to the person who in the Government's opinion is entitled to it. For in very many cases the person from whom it is taken may be merely a tenant-at-will and the person entitled to possession would be the owner as the tenancy may have expired. I do not want the Government to decide equities between contending houses, and if there is a dispute, if two persons want the property, then the Government should not favour this or that party. At the same time when there is no dispute there is no reason why a tenant-at-will, his successor, grandson or minor grandson should be found and the possession restored to such a person because it was taken from that tenant. It may lead to absurdities also. To avoid this I want this amendment that it may be restored to the person entitled to possession, and in case of dispute the Government may not decide it and may restore it to the person from whom it was taken.

Mr. Chairman: Amendment moved:

In page 3, line 23, after "person" insert "entitled thereto and in case of dispute to the person".

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

*The House re-assembled after Lunch
at Three of the Clock.*

[MR. SPEAKER in the Chair]

Mr. Speaker: The House will now proceed with further discussion of clause 6 of the Requisitioning and Acquisition of Immovable Property Bill. Shri Deogirikar.

Shri Deogirikar (Bombay): I beg to move:

In page 4, after line 7, insert:

"(7) Property requisitioned during the second world war or subsequently for military or police action, will, if not needed for temporary or permanent use be derequisitioned immediately."

My objection in moving this amendment is simply to draw the attention of Government to one important question. And what is that important question? During the war a large number of lands were requisitioned by the Government for war purposes but after the war these lands were not released. They are lying idle. If we happen to pass along any military lines we find the whole military area practically deserted. On enquiry I learned that nobody has paid any attention to this important question. I was told on further enquiries that if all this requisitioned land is to be acquired about Rs. ten crores will be required. Meanwhile Government continues to pay the rental for these requisitioned properties: I do not know how much it is but it must be probably more than Rs. 50 lakhs. I want to make a suggestion to Government: now that you have this legislation in your hands you can requisition all the lands at any time and take them in your possession at ten days' notice. It will be in the interest of the country. The peasantry will be able to cultivate and the taxpayers will be relieved of their burden.

In support of my statement I want to give two or three instances. At the time of the Hyderabad police action in Sholapur district large numbers of lands were requisitioned by the Government and I was receiving complaints till last year that these lands were still in the possession of the Government. I made enquiries and I was told that the owners are not to be found. This forenoon the hon. Minister made a statement that the lands are not kept a moment longer

than necessary. Now, to give another instance, in Poona there is one Dr. Gokhale, whose father purchased a land in 1920, measuring five acres, for Rs. 4,000. In 1942 this land was requisitioned by the Government. He raised no objection. After the war he requested the Collector to derequisition the land—he was told that his land was acquired in 1943 for a paltry sum of Rs. 900. No notice was served on him and all of a sudden he was told that his land was acquired. Then this gentleman went from one place to another and for four years he was banging at the door of one department after another and ultimately this is the reply which the Wing Commander gave:

"It was obviously not known at that time, however, that this plot of land was subdivided into two parts, survey Nos. 196A and B, and both owned by different owners. As will be seen from the site plan attached it was not necessary therefore to acquire 196B as it falls well outside the barbed wire fence and does not in any way affect the structure of the unit lines.....".

He further writes:

"The matter has been given further consideration and this unit has no objection to survey No. 196B being handed back to the owner."

This letter is dated 24th January, 1951. One year has passed and still Dr. Gokhale does not know what will be the fate of his land. So, what hon. Shri Gadgil told us this forenoon is at least in one instance not correct.

I want to give another instance. There is the Central Mutual Life Insurance Co. Near about Poona they have undertaken a housing scheme. They have purchased eight acres of land. Out of these eight acres one acre was requisitioned by the Government for military purposes and in a portion of that one acre the military has erected bath rooms and latrines and substage water from those bath rooms and latrines flows right through the proposed colony and therefore the organisers of this colony are not able to construct the houses. The military authorities were requested either to purchase the whole property or to derequisition the part, or to put a drainage line to conduct the water but nothing has been done till now. According to me the Military Department is just like a Kumbhakarna:

[Shri Deogirikar]

unless you knock at their doors for a number of years nothing will happen. That is my experience.

Therefore, my suggestion is that instead of prolonging this question and getting an assurance from the hon. Minister that he will take enquiries into the matter, it is essential that area-wise Committees should be instantaneously appointed, the whole question should be gone through and those lands which are not required by the Government should be released at once. Government will be saving lakhs and lakhs of rupees if they derequisition the lands at once. I was told that if these lands are derequisitioned now they may have to pay more if they are to be requisitioned again, but I want to bring to the notice of the House that the distinct value of present advantage is always small. Therefore, do not look to future advantages; you can save lakhs and lakhs of rupees of the taxpayer if you derequisition the lands at once. To repeat, I want to make the suggestion that area-wise Committees should be appointed, the whole question should be gone through thoroughly and the lands which are not required by the Government should be immediately derequisitioned. That will help the poor peasantry, the taxpayer and the Government also.

Mr. Speaker: Does he want me to put the amendment to the House? He said he wanted to move it just to get a chance to draw Government's attention to his point.

Shri Deogirikar: I would like to hear the reply from the hon. Minister.

Mr. Speaker: I am requesting the hon. Minister to reply, but does the hon. Member want the amendment to be put to the House?

Shri Deogirikar: No, Sir. I do not press it.

Mr. Speaker: Then I am not putting it to the House, but the hon. Minister may reply.

Shri Gadgil: The suggestion of Pandit Thakur Das Bhargava was with respect to sub-clause (2). The amendment that was made in sub-clause (2) of clause 6 was unanimously made by the Select Committee. Therefore, as one of the signatories to the report, I am not prepared to accept this and I am not prepared to accept therefore the amendment moved by Pandit Thakur Das Bhargava for the insertion of the words "entitled thereto and in case of dispute to the person." *Prima facie* when the derequisitioning talks

place the man from whom the possession must be taken must be given possession. In this sub-clause (2) what is contemplated is that there will be some inquiry and if as a result of this inquiry a person who was not in possession is found to be a person to whom the possession ought to be returned, it will be returned to him. Otherwise, as stated in the amendment the position will be that the man from whom possession was taken at the time of requisition or the successor in title will get it.

As regards the points made out by my hon. friend, Mr. Deogirikar, all I said in the morning was that the Defence Ministry does not keep any land that is really not necessary when it has come to that decision. There are cases in which no decision has yet been taken whether they want the land or whether they do not want the land and therefore, what the Defence Ministry does is to allow the tenant who was there formerly to cultivate it on payment of nominal rent.

As regards the two cases, I do not know about the case in which the Mutual Life Insurance Company is interested, but I know a little about the case of Dr. Gokhale. The facts as far as I know are that that there is a small piece adjacent to the land acquired or requisitioned by the Defence Ministry. Certain constructions have grown up. The result of that has been that the prices have gone up very much. Now the question before the Defence Ministry is whether to derequisition or acquire this. If it derequisitions it, then the entire advantage of the rise in prices goes to the person concerned. Naturally Government is very anxious that any increase in value due to efforts, not by the individuals concerned, but by the State or community as such, the community as represented by the State must have a fair share in that. I may assure Mr. Deogirikar that I have also received representations from Dr. Gokhale and the case has now been forwarded to the Defence Ministry for consideration. I cannot promise him what will be done, but I am only giving the facts as I know them.

Therefore, as regards the other suggestion that there should be an Inquiry Committee area-wise, that is not possible. As I stated in the morning, I too have received a number of complaints about lands requisitioned being retained more than necessary in point of time. What I said in the morning

was that such complaints will be inquired into and as I stated, our objective is not to keep the land a minute more than is necessary.

Pandit Thakur Das Bhargava: With your permission may I say this. The hon. Minister has been pleased to say that so far as the principle is concerned, he accepts the principle which I enunciated to the House this morning. But he is not willing to accept my amendment. May I very humbly suggest to him that if he omits all the words after the word 'given' his purpose will be served and he will not be obliged in every case to give possession to even a tenant at will after the lapse of his tenancy and after even several years. If all the words after the word 'given' were omitted, then his purpose would be served. My amendment may not be accepted because then the Government is called upon to make an inquiry. Let them not inquire but so far as the person specified is concerned the possession may be given to him and the consequences mentioned in sub-clause (3) will follow. Government will not be bound to give possession as far as practicable to the person from whom possession was taken. This might involve hardship to those who are really interested if the possession made to one who is not at all entitled.

Shri Gadgil: This suggestion comes at the eleventh hour. It means the addition of these lines, namely: "and such possession shall, as far as practicable, be given to the person from whom possession was taken etc." These were added in the Select Committee. Indeed it would be against parliamentary etiquette to say that I accept this. What I say is that I must stand so far as I am concerned and the Members of the Treasury Benches are concerned by the amendment suggested in the clause by the Select Committee, but if it is the pleasure of the House to say otherwise, I cannot object.

Pandit Thakur Das Bhargava: What is this parliamentary etiquette that anything done in the Select Committee cannot be questioned here or should not be accepted here...

Mr. Speaker: Let us not go into that question because it would raise another debate over a side issue. If it is the desire of the House to accept the suggestion, I am prepared to take it as an amendment at the last moment, because I think that the hon. Minister from his attitude is inclined to accept it but he feels the difficulty of the parliamentary convention.

Shri Gadgil: You have said it correctly.

Mr. Speaker: May I know what words are to be dropped?

Pandit Thakur Das Bhargava: That after the words 'given' in line 4 of sub-clause (2) of clause 6, all other words may be omitted.

Shri A. C. Guha: I have to oppose this amendment, Sir. It was at the particular instance of the Members of the Select Committee.....

Mr. Speaker: Then I think I shall not be giving him permission to move it. I find this is not practically a unanimous suggestion.....

Shri A. C. Guha: It was at the particular instance of the members of the Select Committee.....

Mr. Speaker: Let us not go into that discussion which will bring out what happened in the Select Committee. It is not proper to discuss that here. So I will not give my consent to him and the matter ends there.

The question is:

In page 3, line 23, after "person" insert "entitled thereto and in case of dispute to the person".

The motion was negatived.

Mr. Speaker: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7.—(Power to acquire requisitioned property)

Pandit Thakur Das Bhargava: I beg to move:

(i) In page 4, line 9, after "Central Government may" insert:

"if it is of opinion that it is necessary to acquire the property for a public purpose"; and

(ii) In page 4, after line 12, insert:

"Provided that before issuing such notice, the Central Government shall call upon the owner of, or any other person who, in the opinion of the Central Government, may be interested in such property, to show cause why the property should not be acquired; and after considering the cause, if any, shown by any person interest-

[Pandit Thakur Das Bhargava]

ed in the property and after giving the parties an opportunity of being heard, the Central Government may pass such orders as it deems fit."

Shri Gadgil: I accept them.

Pandit Thakur Das Bhargava: If these amendments are accepted, the result will be that the Government will be called upon to pass an order in every case in which property is being acquired for a public purpose. They will not only satisfy the two conditions laid down under sub-clauses (a) and (b) but they will satisfy the other condition also which is included now by this amendment. I submit this is very necessary in the public interests and it may be accepted.

Shri Buragohain: We accept these amendments.

Mr. Speaker: The question is:

(i) In page 4, line 9, after "Central Government may" insert:

"if it is of opinion that it is necessary to acquire the property for a public purpose"; and

(ii) In page 4, after line 12, insert:

"Provided that before issuing such notice, the Central Government shall call upon the owner of, or any other person who, in the opinion of the Central Government, may be interested in such property, to show cause why the property should not be acquired; and after considering the cause, if any, shown by any person interested in the property and after giving the parties an opportunity of being heard, the Central Government may pass such orders as it deems fit."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 8.—(Principles and method of determining compensation)

Pandit Thakur Das Bhargava: I beg to move:

In page 5, line 44, for "less" substitute "greater".

This morning I gave some of the reasons why Government should not depart from the accepted principles of acquisition of property. In reply to my arguments, the answer of the hon. Minister was that because there is some unearned increment, it is best that that unearned increment is participated by the Government on behalf of the community and therefore the Government is not going to pay more than what is mentioned in sub-clause (3). My reply is this. In the first place, the department which my hon. friend Mr. Gadgil represents is not a taxing department and unearned incomes cannot be taxed by this department. If the Government wants to levy a certain kind of tax over the people in the nature of a Capital Gains Tax, etc., it can certainly do so. May I put a concrete question to the hon. Minister? Suppose a property has been requisitioned and used for ten years. During the intervening period, it has increased in value ten times. Government is greedy. It wants to take 50 per cent. of the unearned increment in Delhi. What happened at the time when the first Bill was passed in 1947? It was said by the Mover of the Bill at that time that in Delhi, the value of property had risen one thousand per cent. This is what he said:

"An enquiry was made from provinces to indicate the extent to which land values had risen during the war. The replies received show that the values vary from place to place, but speaking generally in rural areas land value has risen roughly from 25 per cent. to 150 per cent. whereas in urban areas it has risen from 100 to 500 per cent. and in some cases like Delhi it is reported that it has risen by about 1000 per cent."

As I submitted in the morning, why are you asking these unfortunate persons whose properties have been requisitioned or acquired to make a sacrifice much more than what you ask his neighbour to do. Suppose there are two persons each owning 50 acres of land in a particular place or two houses in the neighbourhood. One is taken possession of or requisitioned and after twelve years both are sought to be acquired. What happens. In the intervening period, the value of the lands and houses has risen ten or twenty times. Whereas in the case of one man he will be entitled to keep the value of the land to himself, in the case of the other, he will be given twice the value which the house or land would have fetched in the first instance, because Government is entitled to the

unearned increment. So far as uniformity of treatment is concerned, so far as equality and equities are concerned, we have guaranteed them in the Constitution. It is idle to contend in this fashion that when you acquire a person's property and ask him to sacrifice more than you would ask his neighbour to sacrifice you are doing the right thing. In a matter of this kind, you ought to be guided by principles of justice. Suppose my land is acquired and I wanted to have similar land in the neighbourhood. What will I have to pay? That is the criterion. I should be put in the same position. If that is not possible, the market value will have to be paid. The previous Act made a similar provision. A distinction has been made between landed property and urban property. Even at that time, I raised the objection and submitted that justice should be done to both rural and urban people. I fail to understand and I stand absolutely unconvinced why this distinction is made and why any person whose lands are acquired today is not paid the market value. I think this goes against the Fundamental rights also. When the Zamindari Abolition Law was being considered, we were of the opinion that in view of the social changes if the Government wants to acquire any land even without giving full compensation, we may change the Constitution and the Constitution was changed to that extent. Even then we insisted that in regard to ordinary property Government should see that the market value is given. I can understand the Government not giving the additional 15 per cent. But, I cannot understand the Government refusing even the market value. This idea that the conception of property has changed does not appeal to me. If it has not changed for the entire community, one man should not be made the scape goat. I can understand the necessity for the Government to acquire lands and property. I do not grudge that. They have themselves provided that when property is requisitioned, not only will rent be given, but also other things, as soon as they want to acquire the property. But, why should they change the principle in the matter of payment of compensation? Why should they pay less than what his neighbour is entitled to keep? That is the contention. Why is this man placed in a different position for the unfortunate circumstance that his property came to be requisitioned? I am not satisfied with the principle propounded that this is unearned increment. What is unearned increment? This is not unearned increment. Many circumstances have brought about the rise in the value of the property. Suppose the value of the land has decreased:

ed: would you pay more? What would you do?

Shri Gadgil: No such thing has happened.

Pandit Thakur Das Bhargava: Suppose the owner says that the property was worth much more when the property was requisitioned and now it is less and that he should be given the market value at the time of the requisition. Are you going to pay that? If you are not going to pay that, how can you claim equities and say that you should get the unearned increment and all that. There is no equity in that. Are the Government prepared to part with the land at the price at which they acquired? Take the Improvement Trust. Government wants to take the full value of the land. But, when the person's property is acquired, they do not want to pay the full value. Justice requires that the value on the date on which the property is acquired should be paid.

Shri R. K. Chaudhuri: I wish to support the amendment which has been moved by my hon. friend Pandit Thakur Das Bhargava. I find a very curious position envisaged in this Bill. First of all, Government, when they are in need, requisition these properties and occupy them. The Government has the right to fix its own rate of rent. The Government has also the right to use the property in any way it likes. It can dig a hole in the property and having damaged it, it can acquire it. This is a very enviable position for anyone to be in. The Government can dig a pit in the property and say that since the price of the earth is more than the land itself, therefore they will acquire the whole property. Such things have happened in my own State. Having dug out the earth they say that if the earth is valued according to the prevailing market rate, its price will be higher than the price of the land, and so they acquire the land, if they want to acquire the land. Having added to the property or having damaged the land they say they will acquire the land at the price which they would have had to pay for it at the time of the requisitioning. If the price is higher then the Government is at liberty to take the land at a lower price by paying only twice the original price. In other words the Government takes advantage in all cases. By the by, I suppose my hon. friend Pandit Thakur Das Bhargava will be satisfied if sub-clause (b) is deleted?

Pandit Thakur Das Bhargava: Certainly.

Shri R. K. Chaudhuri: So, I submit that merely because the Government have neglected to provide the requisite property which it wants for its purposes, Government now comes forward and says, "You must give us power to requisition people's property for a number of years, say six years in this, and afterwards if we find that we have either damaged the property or added to it and we want it, we shall buy it at the price mentioned by us." This is violation of the principle of the Act of 1894—the Land Acquisition Act. Why should we depart from the principle of that Act? Why should we not have the right to have the valuation of the property made by a District Judge as is done in that Act and why not have an appeal from the decision of the District Judge to the High Court? Therefore, I submit that the least that the Government can do is to accept the amendment which has been moved and try to meet half-way the wishes of the people on the subject.

Mr. Speaker: I place the amendment before the House.

Amendment moved:

In page 5 line 44, for "less" substitute "greater".

Shri Gadgil: Mr. Deogirikar also has an amendment to this clause.

Mr. Speaker: Yes. Now, I do not know whether it will be proper for me to interfere in this matter on the merits. But I was just considering whether it is equitable to settle the prices by a rule of thumb, in respect of properties proposed to be acquired. As has been pointed out by Mr. R. K. Chaudhuri, certain principles of compulsory acquisition are laid down in the Land Acquisition Act, and obviously the hon. Minister is accepting these principles in clause (b). That is what I feel, and if I am going wrong, he may please correct me. The question of unearned increment was raised. Well, I had to fight that question with the Provincial Government of Bombay as President of the Ahmedabad Municipality. The fact appears to be that, on account of improvements made by the Provincial Government and the Central Government to which the public are contributing their taxes, it is difficult to say that the person whose lands are being taken had not contributed to these improvements. I am looking at it from the point of view of equitable taxation of the people for the purpose of financing Government operations. The result appears to be, *prima facie*, subject, of course to what the House decides or what the Minister thinks, that the burden of

taxation will not be equitably distributed because some owners of properties will lose the benefit of unearned increment though they may have substantially contributed in the form of taxes and other improvements which lead to the unearned increment as it is called. That is what I was thinking about, and perhaps the matter is not so simple as to be decided by a rule of thumb, saying it shall be twice or thrice of the original value and so on. It is impossible to come to any such conclusion. That is my reaction, apart from the other fact, whether such a clause conflicts with the fundamental principle in the Constitution that no property shall be acquired without payment of compensation. That again is a matter of doubt. I thought I might express these points which go to the root of the matter.

Shri Venkataraman (Madras): Sir, my hon. friend Mr. R. K. Chaudhuri said that under the Land Acquisition Act the payment of compensation is something higher than what is provided for here in this Bill. He said that a judge could go into the question and decide how much compensation should be paid. If I remember aright, the compensation that can be given under the Land Acquisition Act is only 15 per cent. more than the market value of the property. Now, what is provided in this section is twice the amount and that is very much more than 15 per cent.

Mr. Speaker: The hon. Member will see that there is a distinction. Under the Land Acquisition Act, this 15 per cent. is over and above the market value, in view of the compulsory nature of the acquisition. But here it is an alternative that is provided. Suppose the value of the property has gone up ten times. The man has to be satisfied with twice the value, and is deprived of a certain amount paid as solacium in regard to the compulsory nature of the acquisition. That seems to be the point.

Shri Venkataraman: Sir, I understand; but what I was trying to submit was that if the compensation were not fixed at twice the amount, it will have to be determined by an authority like a district judge or some such authority. Would it not be more advantageous to the person owning the property to have the amount of compensation settled by the statute itself, by putting it in the statute that he will get not less than what is fixed here in the statute? My submission is that the compensation provided is adequate in that it gives him twice the amount which the property would have fetched

at the time the property was requisitioned. In other words, for no service rendered by the individual to the property, by reason of nothing done to the property by the owner, but by virtue of certain social circumstances, or by virtue of society in and around it having improved or by virtue of something done by Government, if the property appreciates in value, why should that part of the value of the property go to the person who owns the property?

Mr. Speaker: Is that not covered by sub-clause (3)(a)?

Shri Venkataraman: You will see, Sir that according to sub-clauses (a) and (b) the property will be compensated either at the price which it would have fetched in the open market if it had remained in the same condition or twice the amount and in that case the person gets something more than what the property would have fetched.

Mr. Speaker: That does not seem to be the idea. Let us put the question to the Minister.

Shri Venkataraman: Sir, let me submit that I am totally against higher compensation being paid to the property owner merely because owing to certain circumstances which are beyond his control the property has appreciated in value. At the time the property was acquired, if instead of requisition, they had paid the price and bought the property, all the future enhancement or increment in the value of the property would have accrued to the State. But merely because Government at that time did not acquire the property but merely look it for a temporary period any further appreciation of the value of the property not resulting from anything done by the owner of the property should not go to the owner of the property. My opposition is more fundamental. I submit that this is not a question of taxation of unearned increment at all. It is a case in which property appreciates in value not as a result of anything done to it by the owner of the property but as a result of social events and as a result of something done by Government or as a result of something which occurs beyond the control of the owner.

Mr. Speaker: I would not like to go further into this matter. But improvements are made by local bodies like municipalities. Improvements are made by Provincial Governments. Improvements are also due to some efforts of the Central Government. Now, these are three taxing authorities and the man is contributing something to the local body more or less, something to

the Provincial Government, more or less, and practically, say, nothing, for the sake of argument, to the Central Government. Why should the benefit go entirely to one Government? My fight with the Bombay Government was that the municipality should have a share. I did not fight with them that there should not be any taxation on increment, the point was which body should benefit.

Shri Venkataraman: I only want to submit to this House that if the property appreciates in value as a result of certain conditions which are brought about either by the State or by society and not as a result of anything done by the owner, then the benefit of the increase in value of the property should not go to the owner merely because he is the titular owner of the property but should accrue to the society and the State which has brought about that appreciation. From that point of view the clause, as it stands is very equitable. The increased value should go to the State and not to the individual. If it is proved that the individual brought about a certain increase by reason of something done by him, then adequate compensation may be asked for by the owner. In other cases where the value of the property increases not as a result of anything done by the owner, the actual increased value should be shared by the State and the community and not by the individuals.

Pandit Thakur Das Bhargava: May I ask why he is agreeable to give 100 per cent. compensation?

Shri Gadgil: I agree that the principles of compensation laid down in this clause are different from the principles on which the Land Acquisition Act of 1896 is based. The Land Acquisition Act values the property on the principle of market value and there are certain methods by which the value is arrived at. It may be by looking into the contemporaneous sales of property round about the area or it may be the value of so many years purchase or what is now known as the principle of a hypothetical scheme that this is the property which if developed would have given so much and thus value the property on that principle. So the principles which are at the bottom of the Land Acquisition Act are different from the principles laid down here. The principles laid down here are laid down for the simple reason that something has been done by the Central Government as a result of which the entire area has gone up in price. I might illustrate it. Take the case of Dehu Road which was practically partly agricultural land and partly a land

[Shri Gadgil]

for cattle-feeding. More than that there was nothing in it. Thousands of acres have been either requisitioned or acquired. Roads have been laid, amenities have been provided for and a new township has grown there and in bringing about all these things, the original owners have not contributed a single farthing either by way of local cess or any contribution to the Provincial Government as a result of which these amenities have been brought into existence. Those cases are entirely different. If the individual owner as a citizen, as a tax-payer has contributed something to bring about this improvement I well appreciate the argument that has been advanced by you, Sir. But here where the property has been acquired or has been requisitioned by the Central Government about ten years ago or during this period as a result of certain acts done if the property has increased in value, is it fair to the other citizens in this country that one man alone is to be paid under the principles of the Land Acquisition Act? That is my point. It would be inequitable in my humble opinion. This man happened to be the owner and his property was requisitioned ten years ago and now we want to acquire it. If the House considers that he should be paid at the market value to-day, then he will get the entire benefit at the cost of other tax-payers who have paid the taxes from which all these amenities have been brought into existence. So far as he is concerned, the inequity is really with respect to the entire body of tax-payers. Will this be reasonable? That is my point. What we have said is this:

"the price which the requisitioned property would have fetched in the open market, if it had remained in the same condition as it was at the time of requisitioning and been sold on the date of acquisition,".

Alternatively we have said:

"twice the price which the requisitioned property would have fetched in the open market if it had been sold on the date of requisition, whichever is less."

I think we have given a fair treatment. All that we have said here is that he will not get more. In fact he gets 100 per cent. increase under (b). I, therefore, very humbly submit that those points which have been raised by my hon. friends Pandit Bhargava and Mr. Chaudhuri and some comments which you were very good enough to make show that this is an important question but so far as parti-

cular portion of the area is concerned it is developed neither from the income out of any local cess, nor from any contribution out of the State Fund to which any individual may have contributed. This is entirely due to the expenditure incurred by Central Government and I think it would be, as I said, not correct, nor fair, to allow the man to get the value on the principle of market value on the date of acquisition. Sir, I oppose the amendment.

Mr. Speaker: In the light of what the hon. Minister said I do admit the force of it. I would like him to examine these words "if it had remained in the same condition". He referred to the surroundings of the property. He referred to the surrounding development of the property at the cost of the Central Government, while here it appears as:

"the price which the requisitioned property would have fetched in the open market if it had remained in the same condition".

which refers to the condition of the property and not surroundings.

Shri Gadgil: In (b).....

Mr. Speaker: I am referring to (a).

Shri Gadgil: The price which the property would have fetched in the open market if it had remained in the same condition as it was at the time of requisition, no addition, no building' no surrounding amenities, no new neighbourhood.

Mr. Speaker: Therefore my point is "it" means the property. The hon. Minister is referring to surroundings of the property. Supposing a bungalow is built and there is no change in structure itself so far as the requisitioned property is concerned, "if it had remained in the same condition" that 'it' refers certainly to the property.

Shri Gadgil: In my opinion, "remains in the same condition" means not only that if it is an open space it remains an open space. Even if it is an open space, it does not remain merely an open space, because let us say, there may have been improved means of communication or approach roads or other amenities near about. For example, at the end of Pheroze Shah Road there is a small corner. It was a small corner right from the beginning of earth's life, but because of the roads, because of the improvements, because of the new shops, the price has gone up very much. Will I be entitled.....

Mr. Speaker: I am not disputing the principle which he is now enunciating. I can quite see the principle which he wants to go upon. What I want him to examine is whether his ideas are covered by the wording "if it had remained in the same condition".

Shri Gadgil: I honestly feel this is right. That is my interpretation of the word.

Mr. Speaker: Then I have nothing to say.

Now, is Mr. Deogirikar moving his amendment?

Shri Deogirikar: Yes, Sir. I beg to move:

In page 5,—

(i) in line 44, after "less" insert "or"; and

(ii) after line 44, insert:

"(c) in case of an agricultural land, a land equivalent in dimension and yield, in the same or adjoining rural area if such a land is available,

(d) in cases of houses acquired in rural areas, the price should be equivalent to the three fourth of the price required to erect a new structure of the same dimensions."

In order to obviate all difficulties, my suggestion is that we should give land for land and house for house. The Government is not prepared to accept this principle, but we are after all democratically minded people and if we are not accepting it today we will have to accept it in future.

Shri Gadgil: I shall accept it tomorrow.

Shri Deogirikar: As regards (d), in rural areas if you pay twice or thrice the amount, the poor peasant will not be able to erect a structure outside that village. You are already erecting structures for displaced persons, for railway servants, for postal employees and for others. Why not erect structures for these people? Take one-fourth of the price from them and give the property to the poor peasant who has been expropriated for no fault of his. If the principle of land for land and house for house is accepted, the difficulty would be solved.

Mr. Speaker: I shall now put the amendments to the House. First I put Mr. Deogirikar's amendment. The question is:

In page 5,—

(i) in line 44, after "less" insert "or"; and

(ii) after line 44, insert:

"(c) in case of an agricultural land, a land equivalent in dimension and yield, in the same or adjoining rural area if such a land is available,

(d) in cases of houses acquired in rural areas, the price should be equivalent to the three fourth of the price required to erect a new structure of the same dimensions."

The motion was negatived.

Mr. Speaker: The next amendment is that of Pandit Thakur Das Bhargava.

The question is:

In page 5, line 44, for "less" substitute "greater".

The motion was negatived.

Shri Shiv Charan Lal (Uttar Pradesh): Sir, the interpretation put by the hon. Minister is not the legal interpretation. The words are "if they had remained in the same condition". Therefore, if you say "if the land and its surroundings had remained in the same condition", it would make the position clear. Otherwise, it might mean that the surroundings may have been improved. Supposing a town has sprung up and improved the land round about 100 yards. In that case, this interpretation put by the hon. Minister will not be considered by the court of law as the right sort of interpretation and the position will be difficult. The legal interpretation clearly is that the land has remained in the same condition. If the surroundings have differed, then certainly he can take advantage.

[SHRIMATI DURGABAI in the Chair]

Pandit Thakur Das Bhargava: Surroundings up to a distance of ten miles?

Shri Shiv Charan Lal: Not ten miles, but the surroundings which affect the price of the land. For example, a town springs up just near it and the price of the land is certainly bound to rise. The hon. Minister's interpretation will be that he cannot take advantage of the rise in price on account of the springing up of the town. That interpretation is not there. Therefore, my suggestion is that it would be better if he says "if the land and the surroundings had remained in the same condition".

Pandit Thakur Das Bhargava: So far as this clause is concerned, one very important point has emerged. The hon. Minister has been pleased to interpret the words in (a) in a different way from what we understood them to be. The words are:

"the price which the requisitioned property would have fetched in the open market, if it had remained in the same condition as it was at the time of requisitioning and been sold on the date of acquisition..."

The word 'it' refers to the requisitioned property. It is a pronoun and I cannot possibly understand that that word can mean anything else except the requisitioned property. Therefore, the words are susceptible of one meaning only and that is the requisitioned property being in the same condition and not the surroundings etc. My humble submission is that so far as the legal interpretation is concerned, there cannot be two meanings but the real point, as I submitted, is not the one which is now being discussed.

If we were to assume that every place requisitioned or acquired remained just like the *dehu* village of which my hon. friend spoke, if all these properties were so circumstanced as have been described by the hon. Minister and they were all vacant lands and towns have grown up around them, then the argument that has been put forward would have been somewhat apposite, but here we cannot predicate in respect of all the properties in India which were requisitioned then and which are sought to be acquired now that they answer this description. As a matter of fact, many places do not answer this description. I beg to call the attention of the House to clause 7(3)(a) and 7(3)(b) whereas I submitted in the morning even a large piece of land is requisitioned by the Government and the Government do nothing. They only just have a road or they improve it in some other way in which every tenant can improve it. Even that can be the basis for the acquisition. What are the reasons which the Government have given for the acquisition of that property? The only reason is that if the Government decide that the value of or the right to use such works should be secured or preserved for the purpose of Government then they can requisition it. The reason is that the value of the property has increased. Even on that basis, even on that ground Government will acquire that property. May I enquire: can this be a basis for the Government to acquire

that property? Can it be a reason that its value has increased?

Shri Gadgil: I want to make the position clear. What (a) really means is that if the value has increased irrespective of the amenities and other things which have been brought into existence as a result of the requisitioning, he is entitled to have it, but he cannot have the price which is the full price, taking into consideration the amenities and other things.

Pandit Thakur Das Bhargava: My humble submission is this. If you will kindly peruse section 35 or section 36 of the Land Acquisition Act, you will find that one of the principles which has been enunciated both there and even in this Bill is that if a property is requisitioned then you cannot use that property in such a way that the original purpose for which it was acquired can be changed or that its original condition is converted into something which makes the property not to remain in the same condition. That is a specific provision. It is not only a condition precedent for requisitioning, but it is to be found in the Tenancy Acts of many Provinces. So far as occupancy tenants are concerned, they cannot do anything to the property. They should keep the property in the same condition in which it originally was. Supposing Government requisition a property and use the property in such a way that the original condition of the property is changed, then the position becomes different. First of all, Government play with the rights of the people and they requisition the property. They build upon it, which they are not entitled to do according to the principles of requisitioning. They must keep that property in the same state. But if they build upon it and execute some works upon it and then make this an occasion for having their pound of flesh from it by acquiring it, it cannot be said to be fair. In my humble opinion, if the property is improved, let the Government make over that property to the person from whom it was requisitioned and let the Government get the value of the improvement from him. That would be more equitable and proper than that the Government should treat it as a basis for acquisition. If you allow A to take full advantage of the improvement of the land around, there is no reason why you should not deprive B of those advantages. My hon. friend Mr. Venkataraman says that the value of property has appreciated twice. In fact I may tell him that in many places the value of property has gone up by

4 P.M.

ten or even twenty times. What is after all 15 per cent. of the value. Speaking on the Bill in 1947 Mr. Bhalja who was then in charge of it said that in some places value of property had increased by 1,000 per cent. Therefore, you cannot ask A to make a greater sacrifice than B. They are both citizens of the same State and should have equal rights. If you do not allow them the same privileges, I think you will be violating the Fundamental Rights of our Constitution. If I happen to be one of the unfortunate persons whose property is acquired, that is no reason why you should subject me to greater sacrifices.

Shri Kamath (Madhya Pradesh): Your property will not be requisitioned.

Pandit Thakur Das Bhargava: My friend is entirely mistaken if he thinks that his property will not be requisitioned.

Shri Kamath: I said 'your'.

Pandit Thakur Das Bhargava: I and he are in the same position.

Shri Kamath: I have no property at all.

Pandit Thakur Das Bhargava: Of course those who have no property can vote for anything they like.

So my submission is this: either you take the price from all the persons whose properties have benefited by improvements to the surroundings, or treat the person whose property acquired like his neighbours who can keep the increased value to themselves.

Shri Gadgil: I have already replied to the points raised by the hon. Member.

Mr. Chairman: The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clauses 9 to 14 were added to the Bill.

Clause 15— (Service of notice and orders)

Pandit Thakur Das Bhargava: I beg to move:

In page 7, line 19, after "or" add "failing service by these means".

My submission is that service by post is not regarded as good service in the sense that there is no presumption attached to service by post. In the Civil Procedure Code and the rules made by the High Court there is a rule that if there is a service by post

there cannot be any presumption. We should see that service is made by other means. From the trend of many provisions in this Bill it appears that the persons interested in the property may not even know when the property was acquired and when the property was given back. The owner may not even know to whom the property has been returned back. Unless this provision is amended it may involve some hardships to some persons.

Shri Gadgil: We accept it—once in a way.

Mr. Chairman: The hon. Minister may rise in his seat and say that he has accepted it.

Shri Buragohain: The amendment is accepted.

Mr. Chairman: The question is:

In page 7, line 19, after "or" add "failing service by these means".

The motion was adopted.

Mr. Chairman: The question is:

"That clause 15, as amended, stand part of the Bill."

The motion was adopted.

Clause 15, as amended, was added to the Bill.

Clauses 16 to 21 were added to the Bill.

Clause 22— (Power to make rules)

Shri Buragohain: I beg to move:

In page 8, line 27, omit part (c).

Part (c) relates to levy of court-fee in respect of appeals under section 11. In fact section 11 relates to altogether different things. It relates to appeals from awards in respect of compensation. Again, court fees is a State subject and the framing of rules regarding court fees is a matter for the respective State High Courts.

Mr. Chairman: The question is:

In page 8, line 27, omit part (c).

The motion was adopted.

Mr. Chairman: The question is:

"That clause 22, as amended, stand part of the Bill."

The motion was adopted.

Clause 22, as amended, was added to the Bill.

Clauses 23 and 24 were added to the Bill.

Clause 25. (Amendment of Act XXVII of 1950)

Pandit Thakur Das Bhargava: I submitted in the morning that I failed to

[Pandit Thakur Das Bhargava]

understand why this amendment is being made to clause 25, whereby the definition of the word "Government premises" is going to be changed. Government premises shall in future include any premises or land belonging to any municipality in Delhi or any land belonging to the Improvement Trust, Delhi whether such land is in the possession of, or leased out by the Improvement Trust.

At present the Improvement Trust lands and municipal lands in Delhi are not Government lands. Why should this change be made in respect of these two, I fail to understand. As a matter of fact, as I submitted previously in the House, I want that so far as the proprietorship of lands or houses is concerned the Government and the private person should be on the same basis. Government took power to themselves to evict persons as they chose, to realize their rents or to realize damages as they chose, by virtue of a special legislation. Though the ordinary proprietors are put to great difficulty and they cannot take back their houses and cannot also realize their rents, so far as Government premises are concerned the Government did take powers to themselves and wanted to realize their dues not through the court, not as ordinary litigants but otherwise. But in regard to this matter I do not understand why there should be a change in regard to Trust or municipal land. Municipal lands in the whole country are just like ordinary lands owned by other proprietors. There is no special regard shown to municipal lands in other places. Why should Delhi alone in the whole country be put in a better or in a specially favourable position, I do not understand, I would therefore beg of the hon. Minister to enlighten me on this point.

Shri Buragohain: This Bill seeks to repeal the Delhi Premises (Requisition and Eviction) Act, 1947 and the provisions of that Act are now incorporated here. In fact no new provision has been put in here. The provisions of that Act have been taken *verbatim* into this Bill and necessary changes have been made which are only consequential.

Mr. Chairman: I will put the clause to the House.

The question is:

"That clause 25 stand part of the Bill."

The motion was adopted.

Clause 25 was added to the Bill.

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

Shri Buragohain: I beg to move:

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

Mr. Chairman: The question is:

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

The motion was adopted.

INDIAN BOILERS (AMENDMENT) BILL

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

"That the Bill further to amend the Indian Boilers Act, 1923, be taken into consideration."

The Indian Boilers Act, 1923 was amended in 1947 in order to provide for the separate registration and inspection of economisers which do not form an integral part of boilers. Regulations framed under the amended Act were promulgated in 1950 in order mainly to bring the method of designing and constructing economisers under them and rationalise the method of registration and inspection of these economisers. It was, however, beyond the scope of these regulations framed under section 28 of the Act to specify in detail the actual procedure regarding inspection and to prescribe conditions under which persons could be held responsible for the proper maintenance of the economisers. At the meeting of the Central Boilers Board held in September, 1951, it was felt that unless the Act was amended further, no State Government could in effect operate any set of rules or instructions designed to ensure that only persons holding recognised certificates of competency could in future be in charge of economisers. The present Bill seeks merely to give effect to that decision. With these few words I commend this Bill for the acceptance of the House.

Mr. Chairman: The question is:

"That the Bill further to amend the Indian Boilers Act, 1923, be taken into consideration."

The motion was adopted.

Mr. Chairman: There are no amendments.

The question is:

"That clauses 1 and 2, the Title and the Enacting Formula stand part of the Bill."

The motion was adopted.

Clauses 1 and 2, the Title and the Enacting Formula were added to the Bill.

Shri Buragohain: I beg to move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

CRIMINAL TRIBES LAWS (REPEAL) BILL

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

"That the Bill to provide for the repeal of the Criminal Tribes Act, 1924, and certain other laws corresponding thereto, be taken into consideration."

This Bill is short in size, simple in language, but is great in significance. This law was enacted somewhere in 1871, that is eighty years ago. Whatever the justification may have been at that time, it was wrong to brand a whole class of people as criminals. It was also monstrous. I should say, to call unborn generations of that class as criminals. Even if there was justification for the enactment of this law, I feel it was not correct for the reasons I have already stated.

Some of the objectionable features of the Criminal Tribes Act are that local Governments have been empowered to declare a tribe a criminal tribe without requiring any reformatory or without providing any means for their living. The second objectionable feature is that if a member of a criminal tribe is sentenced for two offences—maybe even minor offences—under section 109, then for the third offence he should be sentenced to transportation for life. In one of such cases in Madras in the lower court, on a minor case, the magistrate sentenced the person to eighteen months imprisonment. The Government of Madras appealed to the High Court that under the Act the person should have been sentenced to transportation for life. The High Court Judges were flabbergasted, and they themselves stated that they were in a difficult position—as the offence

was a very minor one and to sentence the accused to transportation for life was very wrong. Still they said they had no alternative but to sentence the accused to transportation for life.

These are some of the objectionable features of the Act. There are many others, but I do not want to take the House through the whole history of this law as it is well known to everyone.

The Father of our Nation struggled very hard that it should be repealed. He could not achieve that object, but he did start through the organisation of the *Harijan Sevak Sangh* to ameliorate the conditions of this class of people, and as we know our late colleague in this House popularly known as Thakkar Bapa was entrusted with this work. He surveyed the whole situation and he came to the same conclusion, namely that the Act should be scrapped from the Statute Book as early as possible.

In 1946 a Bill was moved in this House for the repeal of this Act, and in 1949 our Deputy-Speaker, Mr. Ananthasayanam Ayyangar, also moved a Bill for the repeal of this Act and the House was of the view that that Bill should be passed. But our late Deputy Prime Minister, Sardar Patel gave an assurance to the House that he would appoint a Committee to investigate into this matter and that upon receipt of its report he would do the needful.

A committee consisting of popular persons headed by our Deputy-Speaker as Chairman was appointed and that report is of the unanimous view that the Act should be repealed. It also made some very severe strictures against some of the provisions of this Act and suggested they be modified till the Act is repealed. That report was sent to the various Governments for their opinion and I might state that before this Committee was appointed, the popular Government in Bombay in 1947, immediately after they came into office, and the popular Government in Madras in 1949 repealed this Act in their respective States. You can thus very well see that the entire community and the people of this country were of the view that this Act should be repealed forthwith. In some of the States the Act is a dead Act, but in some States it is very rigidly applied. For instance in the Punjab, in West Bengal, in Orissa and U.P. the Act is very rigidly applied but all of them have accepted the decision of the Inquiry Committee that the Act must be repealed.

[Shri Sidhva]

I will only quote for the benefit of the House some of the opinions of the Judges regarding this Act. Diwan Bahadur V. Bhashyam Ayyangar, Judge of the Madras High Court as far back as 1935 stated "I venture to doubt whether a statute which empowers the executive to declare a whole community as a criminal tribe and bring it under the very stringent and penal provisions of the Act can be justified in these advancing times," that is to say in the year 1935.

Mr. Chairman: I think that the House is in full agreement with this Bill.

Shri Sidhva: I am very glad to note it. As great significance is attached to this Bill, I thought I should place before the House some of the views and therefore I was quoting it. Similarly our Leader and our Prime Minister has stated thus as far back as 1936 at Nellore: "I am aware of the monstrous provisions of the Criminal Tribes Act, which constitutes a negation of civil liberty. Wide publicity should be given to its working and an attempt should be made to have the Act removed from the Statute Book. No tribe could be classed as criminal and as such the whole principle was out of consonance with all civil liberties of criminal justice and treatment of offenders."

My esteemed colleague Dr. Katju while he was the Minister of Justice in the U. P. stated: "It is an insult to God and humanity to treat the innocent children of Criminal Tribes as born criminals."

I need not quote the other views of various leaders. Our friend, Dr. Pattabhi has also stated the same thing and as I stated Thakkar Bapa has also in the same terms opposed this Act.

To this Bill there are certain amendments and they relate to the period when it should come into force. Some hon. Members and particularly Pandit Thakur Das Bhargava have suggested three months, other six months and some have suggested immediately and some have suggested one year as the dead line. The point is that the State Governments have to consider what alternative Act they should have if they think fit that it is in the interests of their State to enact an Act. I have taken all these points into consideration and I think as a *via media* that eight months would be sufficient. I am moving an amendment to this effect. 31st October, 1952 will be the proper time by which we should have given an opportunity to the State

Governments to frame any Act as Bombay and Madras have done, such as the Habitual Offenders Act, or just as they feel suitable to the conditions of the State concerned, and I trust that will be acceptable to the House. With these words, Madam (*Interruption*). It is eight months from now. If the Bill is passed today it will take a few weeks to become an Act and from then I calculate eight months; and 31st October will be eight months from now.

Shri Kamath (Madhya Pradesh): Make it nine months.

Shri Sidhva: I would make it seven months. With these words, I commend my motion for the acceptance of the House.

Shri Kamath: On a point of information, what is the total number of people or the total population that is comprised in this term 'Criminal Tribes' today? Secondly, making due allowance for the exaggerated enthusiasm of the hon. Minister, which impelled him to say "for unborn generations, they have been dubbed as Criminal Tribes", may I ask him since which year have those people been treated as Criminal Tribes?

Shri Sidhva: It is by the Act of 1871. The total number of people is 34,87,597 and these are called Criminal Tribes today.

Mr. Chairman: Motion moved:

"That the Bill to provide for the repeal of the Criminal Tribes Act, 1924, and certain other laws corresponding thereto, be taken into consideration."

Dr. K. V. Thakkar (Saurashtra): I congratulate the hon. Mr. Sidhva on bringing this Bill before the House. It will be the means of removing the stigma of hereditary criminality, which has for so many years branded nearly 50 lakhs of our backward sisters and brethren. For a long time, public opinion in the country has been demanding the repeal of this invidious piece of legislation. The State of Bombay and other States have already done away with the old Act and the Central Government's action in this matter does not come a day too soon.

There is a small colony of these Tribes in the part of Delhi which is known as "Andha Moghal" and those of us who wish to get acquainted with the hardships and disabilities of these people had better pay a visit and study the degrading conditions under which these people have to live. People who

have to live for generations under Police surveillance and Police *dandas* under a deep rooted stigma of being thieves and rogues will have to be given the benefits of education, in order to bring them into the fold of better classes. Their economic level will also have to be raised by employing them in useful manual crafts. The benefit of the measures which have so far been taken and found effective in the case of Scheduled Castes and Scheduled Tribes will have to be taken for rehabilitating these five million backward people, if this Bill is to have any practical results and if it is to confer any lasting benefit on them. All the amendments to the Bill proposed by several Members and even by the hon. Minister himself indicate the necessity of implementing this Bill in as short a time as possible. The amendments also indicate that the wheels of Government always move slowly and that is why they all lay stress on quick implementation. The real problem is to remove the fear and ignorance of these five million people and rehabilitate them into useful occupations and means of livelihood.

I am afraid the eight months period fixed by the hon. Mr. Sidhva to bring this Act into effect is rather too long. I will suggest that six months is a most reasonable time by which we should do it.

PROCEDURE RE FINANCE BILL

Pandit Kunzru (Uttar Pradesh): I rise to discuss the position arising out of the reply given by the hon. Finance Minister to a short notice question of mine on the 22nd. I drew the attention of the Government in part (a) of the question to the fact that the programme of Parliamentary business circulated to hon. Members did not contain any reference to the passing of a Bill to continue such existing taxation as require annual renewal. In part (b) of the question I enquired whether Government proposed to introduce such a Bill or not. In the last part Government were asked whether if such a Bill was not going to be introduced, it was intended to promulgate an Ordinance to continue the annually renewable taxation. The Finance Minister said with regard to parts (a) and (b) that Government proposed to introduce a Finance Bill along with the Budget and necessary changes in the programme of Parliamentary business will be made. With regard to part (c) he said, "Does not arise". That is, he denied that the promulgation of an Ordinance would be necessary to continue the annually renewable taxation. Naturally, this reply

gave rise to the impression that the Finance Bill would be passed by this House. But, an answer of the Finance Minister brought forth the reply that the intention of the Government was only to introduce the Bill. And a question put by the Speaker elicited the reply that it might be necessary to pass an Ordinance if the next House did not meet within sixty days after the introduction of the Finance Bill. If we compare the reply given to part (c) of my question by the Finance Minister.....

The Minister of Finance (Shri C. D. Deshmukh): I do not know if it will shorten discussion if I make the statement that it is now our intention to get the Bill passed.

Mr. Chairman: Now, it is their intention to get the Bill passed.

Pandit Kunzru: I am glad that the Bill will be passed. Nevertheless, I should like to make one or two points clear, because the passing of the Finance Bill is not the only thing required under the new set-up.

Shri C. D. Deshmukh: I did not wish to interfere with the hon. Member's observations on other points. I thought it might save time. That is all.

Pandit Kunzru: I am glad that Government have at last thought fit to revise their previous opinion and that the Law Ministry, which according to the Finance Minister had reviewed the matter has reconsidered its opinion.

Shri Sondhi (Punjab): They had only viewed; now they have reviewed.

Pandit Kunzru: One does not know what that was. It would be interesting for the House to know what a review of the matter by the Law Ministry that was referred to by the Finance Minister was.

Shri C. D. Deshmukh: The House will know.

Pandit Kunzru: I was saying that there was.....

Mr. Chairman: I thought the whole question was about that particular point.

Pandit Kunzru: That was not my point. Will you kindly listen to me? There is one other point to be brought forward. I have a right to point out the inconsistency between the reply given by the hon. Finance Minister to part (c) of my question and the answer given by him to the Speaker's question. Have I a right to do that or not?

Mr. Chairman: The hon. Member can go on.

Pandit Kunzru: If I have a right to do that, then, I have a right, in spite of what the Finance Minister has said.....

Mr. Chairman: The hon. Member, if he wants, can go on; but the hon. Finance Minister has said that the Bill will be passed. Are there any other points which the hon. Member wants to discuss?

Pandit Kunzru: Madam, believe me, I have given some thought to this matter and I am not going to repeat what has become unnecessary in view of the statement made by the Finance Minister. But it is necessary, I think, to point out the fact that the Finance Minister knew when he answered part (c) of my question that an Ordinance may have to be passed.

The other point that I wish to make is with regard to the procedure that ought to be adopted in future, in order to allow any new tax or any variation in an existing tax to take immediate effect. Under the Provisional Collection of Taxes Act, all that is required is that when a Bill providing for the imposition or increase of a duty or custom or excise is introduced and a declaration is made to the effect that it is expedient in the public interest that any provision of the Bill relating to such imposition or increase shall have immediate effect, then the Bill will come into force immediately. Now according to section 3 of this Act the declaration that it is expedient in the public interest that any provision of the Bill shall have immediate effect should be inserted in the Bill. But we know that the Bills as placed before the House contain no such declaration. I shall illustrate this by referring to the Finance Bill of 1951, that is the Finance Bill that was introduced last year. It contains the declaration to the effect that certain clauses of it shall come into force immediately. But this declaration is not in the Bill, it is outside the Bill. We, as Members of Parliament must see that such a state of things is brought to an end as quickly as possible.

There is another point also that should be considered. The Provisional Collection of Taxes Act was passed, I think, about twenty years ago. At that time all real power lay in the hands of the executive and consequently a mere declaration by the executive was enough for the increase or variation or renewal of an existing

tax. But that state of things is completely changed now. The financial procedure laid down in the Constitution requires that the Provisional Collection of Taxes Act should be so altered that any provisions of it which it is necessary to give effect to immediately in the public interest should be brought into force only with the sanction of Parliament. No declaration by the Executive ought to be regarded as enough at present. The procedure in the House of Commons of the U.K. is that when it is necessary to give immediate effect to certain provisions relating to the renewal of taxes or their imposition or variation, the Committee of Ways and Means first passes a Resolution in favour of such a course, and then it is ratified by the whole House. There are certain other restrictions too which I need not go into but the procedure in the House of Commons requires that Parliamentary sanction should be obtained before giving immediate effect to provisions of the kind that I have already described. There no declaration by the Executive would be regarded as enough. I suggest therefore, that the provision on collection of taxes should be so altered as to be brought in line with the procedure obtaining in the British House of Commons. We need not copy every provision of the British Provisional Collection of Taxes Act. We can adapt that Act to our conditions but the main thing that ought to be provided for is that Government should not be able to obtain a single pie without the previous sanction of Parliament. We thought that our Constitution provided for this but unfortunately while it requires the Demands for Grants to be passed by the House of People and Votes on Account also to be passed by the same House, it does not require Parliamentary sanction, it does not make Parliamentary sanction absolutely essential for the imposition of the tax. All that article 265 requires is that no tax should be imposed except by authority of law. But as an Ordinance has the same effect as an Act of Parliament, even taxation can be imposed under the Constitution by an Ordinance. My second suggestion, therefore, is that the Constitution should be so altered as to substitute the word 'Parliament' for the word 'law' in article 265. It is only then that we shall be able to feel that Parliament has full control over the purse. Perhaps, it will be necessary also to make some changes in article 123 which relates to the power of the President to pass Ordinances. But I am not sure of this. It is at least necessary to alter the language of article 265 in the manner I have suggested.

My third suggestion is that when the Provisional Collection of Taxes Act is amended—and I hope it will be amended—provision should be made in it in respect not only of customs and excise duties that may have to be imposed or renewed, but also in respect of any variations in the rates charged for the conveyance of post-cards and letters under the Post Office Act. In this respect, there is a lacuna in the Provisional Collection of Taxes Act which ought to be removed when the Act is amended.

It is because I thought it desirable and indeed necessary to make these suggestions that I ventured to deal with the matter and for this purpose I had asked the Speaker to allot half an hour notwithstanding the assurance of the Finance Minister that Government had changed their mind and that the Finance Bill would be passed before this House adjourns.

Shri Kamath (Madhya Pradesh): Now that the Finance Minister has made a statement that the Finance Bill would be passed, there is no question to be raised except the consequential one as to how much longer the House will have to sit in order to pass the Finance Bill.

Mr. Chairman: That is another question.

Shri Sondhi: That should be addressed to somebody else.

Shri C. D. Deshmukh: I am glad that the hon. Member Pandit Kunzru has made his observations in regard to my answer to the question. I must confess that my answer was given under a misapprehension in regard to the law applicable to the whole range of taxes under discussion. The position differs in respect of income tax from what it is in respect of customs and excise. The law in regard to income-tax is contained in section 67(b) which says:

“If on the first day of April in any year provision has not yet been made by a Central Act for the charging of income-tax for that year, this Act shall nevertheless have effect until such provision is so made as if the provision in force in the preceding year or the provision proposed in the Bill then before the Parliament, whichever is more favourable to the assessee, were actually in force.”

It might be argued that for the purposes of this section, therefore, it is necessary only to have a Bill before the House and since there was no other requirement that the Bill should

be passed or enacted, at one time I was under the impression that that is all that is necessary. That is why I gave that answer to the supplementary question. But even in regard to this section the situation is not quite clear in the circumstances that would arise when the House is dissolved. I am not quite sure that it might not be argued that in that case there is no Bill before the House because there is no House. Therefore, on a reconsideration of that matter so far as income-tax is concerned, we came to the conclusion that something more is required than introducing the Bill. Now, in regard to duties on customs and excise it is only the additional duties on customs and excise that require fresh legislation. The bulk of customs and excise duties are secured already by the existing Act which does not expire on the 31st March, 1952. Therefore, from that point of view also, we discovered that if we want to keep alive the additional duties on customs and excise that were levied last year—and I am not sure some additional duties even in previous years after the passing of the Sea Customs Act,—it is necessary to have a Bill passed before the 31st March. So, I hope the hon. Member will be satisfied now that there was no conscious effort to mislead him or to suppress any material fact, but it was I admit, a confusion in regard to the separate laws applicable to important categories of revenue.

Now in regard to the principal points made by the hon. Member, namely that the Provisional Collection of Taxes Act seems to call for modification, I can only say that we shall give due consideration to his weighty observations. I am not prepared here and now to make any statement in regard to Government's intentions which obviously have yet to be formulated.

Shri Sondhi: There is time enough—two more days.

Shri C. D. Deshmukh: It is not necessary in the sense that we do not have to resort for those purposes to the Provisional Collection of Taxes Act. We still have hopes that we will get the Finance Bill passed before the 31st March next.

That leaves only one point and that is that the declaration made last year in the Finance Bill was at the end of the Bill and not in the Bill. I had referred the point to the Law Ministry and they advise me that the declaration is part of the Bill. I believe that there is some authority also in the Secretariat here. I could only reiterate

[Shri C. D. Deshmukh]

again that it is our intention to try and have this Finance Bill passed before the 31st March.

CRIMINAL TRIBES LAWS (REPEAL) BILL

श्री भट्ट: सभानेत्री जी, जिस बिल के बारे में हमारे मंत्री जी ने आज संशोधन बिल पेश किया है उस के इतिहास में जाना जरूरी नहीं है। आप शायद कहेंगे कि यह बात तो तय हो चुकी है कि जरायम पेशा कानून को हटा दिया जाय और वह हमारे कानूनों में नहीं रह सकता है, क्योंकि एक तरह से वह हिन्दुस्तान की संस्कृति का अपमान है। जब सन् १९४९ में हमारे सिध वा साहब ने ही एक नान-आफिशियल बिल (non-official Bill) पेश किया था उस समय होम मिनिस्टर साहब ने कहा था कि इस के लिये एक कमेटी (Committee) मुकर्रर होगी और वह कमेटी इस प्रश्न की जांच करेगी और जांच करने के बाद फिर इस बिल को मसूख करने के बारे में तय किया जायगा। उस समय सन् १९४९ में सितम्बर के महीने में २८ तारीख को कमेटी बनाने का हुक्म निकाला गया। उस का जो नोटीफिकेशन (Notification) हुआ और उस में जो रिजोल्यूशन (Resolution) था उस के शब्दों की तरफ में आप का ध्यान दिलाना चाहता हूं। उस में यह शब्द हैं।

“There has been a persistent demand in the Central Legislature in recent years that the Criminal Tribes Act, 1924 should be repealed as its provisions, which seek to classify particular classes of people as criminal tribes, are inconsistent with the dignity of Free India.....”

इस प्रस्तावना के साथ उन्होंने इस कमेटी को काम सुपुर्द किया था। मेरे मित्रों ने और

उस इनक्वायरी कमेटी (Inquiry-Committee) ने सन् ५० के आखिर तक काम किया और अपनी रिपोर्ट (Report) पेश की तो सन् १९५० के बाद से सन् १९५२ के फरवरी के महीने तक के समय में क्या हमारी दूसरी प्रादेशिक गवर्नमेंटों ने अलग अलग कानून ऐसे नहीं बनाये हैं कि जिस से यह कानून जो हमारी संस्कृति और शान के खिलाफ़ का कानून है उस को अभी भी रखा जा रहा है और जिस के विरुद्ध हमारे कई सरकारी अफसरों ने और हमारे कई राष्ट्रीय नेताओं ने बहुत कुछ कहा है। जब यह बिल केन्द्रीय धारा सभा में १९११ और १९२३-२४ में आया था उस समय इस की बहुत ही कड़ी आलोचना की गयी थी और हम लोगों ने यह कहा कि ऐसा कानून हिन्दुस्तान में नहीं रह सकता है कि फ़र्लानी जाति गुनहगार जाति है, वह जरायम पेशा है। आदमी जरायम पेशा हो सकते हैं या किसी जगह वाले, लोकैलिटी (locality) के आदमी ऐसे हो सकते हैं, लेकिन अमुक जाति के आदमी जरायम पेशा हैं, ऐसा उन के ऊपर दाग लगाना, लांछन लगाना, इस का तो हम ने पहले से ही विरोध किया है। इस के बारे में मैं कोई उद्धरण नहीं देना चाहता और न लोगों की आलोचना का ही जिक्र करना चाहता हूं। थोड़ा सा मुस्तसर सा हवाला मैं हमारे माननीय मंत्री जी का देना चाहता हूं। उन्होंने कई जगह कहा है और रिपोर्ट की सिफ़ारिशों में यह कहा गया है कि क्रिमिनल ट्राइब्स ऐक्ट (Criminal Tribes Act) की जो तीसरी धारा है जिस में कि डिस्ट्रिक्ट मजिस्ट्रेट (District Magistrate) को पूर्ण सत्ता रहती है कि किसी भी जाति को जरायम पेशा जाति डिक्लेयर (declare) कर दे, यह सब से मद्दी चीज है और इस की एक

द्रम निकाल देना चाहिये। उन्होंने अपनी सिफारिश में कहा है और यह कहा है कि यह हमारे संविधान की धारा २३ और उस की भावना के भी विरुद्ध है।

आप को मालूम होगा कि जब हमारे लेबर मिनिस्टर साहब (Labour Minister) आई. एल. ओ. (I.L.O) की फोर्सड लेबर (Forced Labour) सम्बन्धी कनवेंशन (Convention) को लागू करने की बात सोच रहे थे तो सब से बड़ी दिक्कत जो उन के सामने आई थी वह थी क्रिमिनल ट्राइब्स ऐक्ट की और उन्होंने उस समय कहा कि अगर यह कानून नहीं होता तो हम इस कनवेंशन को मानने को तैयार थे और तैयार हो जाते। वह बात भी मैं आप के ध्यान में लाता हूँ। अजमेर मेरवाड़ा की काउन्सिल (Council) के सामने जब यह सवाल आया और उस से राय पूछी गयी तो उस ने कहा:

"The Council is opposed to the idea of calling any tribe a criminal tribe or segregating them in a settlement as the Council is of the opinion that no stigma should attach to any person by reason of his birth and no scheme should be prepared involving segregation of any tribe."

तो इस तरह यह कहा है। मैंसूर ने तो यहां तक कहा है:

".....It is inconsistent with and derogatory to the modern conception of human dignity and (that) it is opposed to the principles of natural law and justice."

बनैरह वगैरह बातें हैं। मैं यह कहता हूँ कि हम ने जो कमेटी बनाई थी उस कमेटी ने अपनी सिफारिशों आप के सामने रखी हैं। फिर मेरी समझ में नहीं आता जो हमारे माननीय मंत्री जी आज कहते हैं कि हमें

समय दीजिये कि ९ महीने में हम इस चीज को खत्म करेंगे। उन्होंने यह नौ महीने का समय मांगा है। अक्टूबर के आखिर तक, आठ नौ महीने में वह इसे खत्म करेंगे, ऐसा तो वह कहते हैं। लेकिन फिर भी मालूम नहीं कि कई स्टेट गवर्नमेंट आ कर कहेंगी कि हम को और समय दीजिये। कई कानून के लिये वह समय मांगती हैं और हमें देना पड़ता है। इसी तरह इस में भी ढीले रहेंगे और हम ढीले रहे हैं तो मैं कहना चाहता हूँ कि इस ढीलेपन से नुकसान होता

है। यह तो हिन्दुस्तान में एक ऐसा कानून है जिस को जल्दी से जल्दी दफनाया जाना चाहिये, हटाया जाना चाहिये। यह कानून एक दिन के लिये भी कैसे रह सकता है यह मैं माननीय मंत्री से पूछना चाहता हूँ। माननीय मंत्री जी बहुत कुछ जोश से कई चीजों के बारे में पहले हिमायत करते थे। मालूम नहीं कि आज उस तरफ बैठ कर वह क्यों इस तरह ढीले पड़ गये हैं। मैं जिस कानून को हटाने के लिये कहना चाहता हूँ वह होता चाहिये "फोर्थविथ" (forthwith)। इस के लिये यह शब्द जहां इस्तेमाल करना चाहिये वहां वह कहते ह अक्टूबर की तारीख, या उस से पहले वह करें तो करें। यह नहीं होना चाहिये। एक ऐसी चीज जिस को हम सराबर समझते हैं, जो हम अपनी इज्जत के खिलाफ़ की चीज समझते हैं और जो इन्सानियत के खिलाफ़ की चीज है उस को हटाने के लिये वह इतना समय क्यों मांगते हैं। मैं समझता हूँ कि हमारे प्रधान मंत्री जी और हमारे माननीय काटपू साहब भी इस चीज को मञ्जूर करेंगे कि यह जो संशोधन का कानून वह लाये हैं वह कानून इस रीति से नहीं बल्कि जैसा मैं ने संशोधन में सुझाया है इस तरह से लाना चाहिये, कि "इट इज हीयरबाई रिपील्ड" (It is hereby repealed), इस तरह के

[श्री भट्ट]

कोई शब्द आने चाहिये। तभी हम हिन्दुस्तानियों को न्याय दे सकते हैं और अपनी इज्जत को बड़ा सकते हैं।

(English translation of the above speech)

Shri Bhatt (Bombay): We need not go into the details of the Bill moved by the hon. Minister. It may be said in this connection that it has already been decided that the Criminal Tribes Act should be repealed and that such a law cannot be kept on the Statute Book as it brings dishonour to India's culture. In 1949 when Shri Sidhva had introduced a non-official Bill to this effect the then Minister of Home Affairs had given an assurance to the House that a committee would be appointed to investigate into that matter and that any decision for the repeal of that Act would be taken only after the receipt of the committee's report. A notification appointing the said Committee was issued on the 28th September, 1949. I would like to draw your attention to the introductory words of this notification. They are:

"There has been a persistent demand in the Central Legislature in recent years that the Criminal Tribes Act, 1924 should be repealed as its provisions which seek to classify particular classes of people as criminal tribes, are inconsistent with the dignity of Free India....."

Thus they appointed the Committee which completed their work towards the end of 1950 and submitted the report. Now, have not the State Governments since enacted certain laws whereby the Criminal Tribes Act is being extended for some time more in spite of the fact that a number of Government officers and our national leaders have spoken bitterly against it? When this Bill was introduced in the Central Legislature in 1911 and also in 1923-24 it was severely criticised. We had argued then that such a law, as sought to declare a particular class of people as criminals, should not be enacted in India. People living in certain localities can be criminals but it was definitely wrong to brand a particular tribe as criminal. We had also opposed it before. It is none of my intention to quote anything or to refer to the criticism made by various persons. I would, however, like briefly to refer to what the hon. Minister said in this regard. He has more than once

said—and also the Committee in its recommendations feels—that section 3 of the Criminal Tribes Act, which empowers a District Magistrate to declare any tribe as a criminal tribe, is its worst feature and it should be removed outright. They have further said that it is also inconsistent with the provisions and intentions of Article 23 of the Constitution.

It will be recalled in this connection that the greatest difficulty which the hon. Minister of Labour was confronted with, while considering the question of enforcing the convention of the I.L.O. regarding forced labour, was regarding this Criminal Tribes Act. He had then said that the Government could have accepted the said convention had there been no Act like that. When this question was brought to the notice of the Ajmer-Merwara Council and its opinion sought the Council maintained that:

"The Council is opposed to the idea of calling any tribe a criminal tribe or segregating them in a settlement as the Council is of the opinion that no stigma should attach to any person by reason of his birth and no scheme should be prepared involving segregation of any tribe."

Mysore has gone to the extent that:

".....It is inconsistent with and derogatory to the modern conceptions of human dignity and (that) it is opposed to the principles of natural law and justice."

Now that the Committee appointed by us has made its recommendations I fail to understand why the hon. Minister suggests that this Bill should come into force after nine months' time. He says that the Criminal Tribes Act would be repealed towards the end of October, that is after eight or nine months from now. But then any State Governments can come forward and ask for a further extension of this period. We see in several cases that they ask for time and we do accept it. Let there be no slackness in this matter, otherwise it may harm us.

In regard to such a law we can say the sooner it is scrapped the better. May I ask the hon. Minister on what grounds he can plead for the continuance of such a legislation even for a day? Formerly he evinced a keen interest in several things like the one in question, but now that he has crossed over to the other side he seems to have lost that spirit for the reasons best known to him only. I want that this law should be repealed

immediately. 'Forthwith' is the word that should be used here. But he proposes to do it sometime in October. This is not desirable. I do not quite know why he seeks to delay the repealing of a law which we consider to be inconsistent with our self-respect and an insult to humanity itself. I hope our hon. Prime Minister as also the hon. Minister of Law will appreciate my point and accept my amendment. The Bill seeking to repeal the Criminal Tribes Act should

not have been brought in the manner in which the hon. Minister has brought it. The words used should have been, as suggested by me, 'It is hereby repealed'. Only then could we do justice to the people and maintain our dignity.

The House then adjourned till Half Past Nine of the Clock on Thursday, the 28th February, 1952.
