

Friday
16th December, 1949

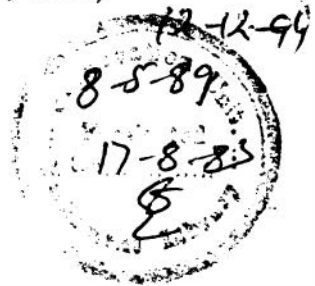
THE
CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE) DEBATES

(PART I—QUESTIONS AND ANSWERS)

OFFICIAL REPORT

VOLUME IV, 1949

(28th November to 24th December, 1949)



SIXTH SESSION
OF THE
CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE)

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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART I—QUESTIONS AND ANSWERS)

Friday, 16th December, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar) in the Chair.

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

CARRYING OF MAIL (BY DIFFERENT MEANS OF TRANSPORT)

*663. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Communications be pleased to state the total number of letters and other articles of mail transmitted by air from 1st April, 1949, up to date and the total number of letters and other articles of mail sent by railway and other means of transport during the same period?

(b) What were the weights of the total mail sent by air and that sent by railway or other means of transport during the same period?

(c) What are the names of the airway companies which carried the airmail and the amount paid to each company for carrying the same?

(d) What was the amount paid for carriage of mail by railway for the same period?

(e) What was the number of letters and the weight of other articles of mail sent by post from India to foreign countries during the period?

(f) By what means of transport was this mail carried to foreign countries and what was the amount paid for carrying the same?

The Honourable Mr. Rafi Ahmad Kidwai: (a) to (f). A statement is placed on the Table of the House. (See *Appendix XVII, annexure No. 1.*)

Shri R. K. Sidhva: Arising out of answer to (b), may I know what is the amount paid to the airway companies for the carrying of these mails, at least the total amount?

The Honourable Mr. Rafi Ahmad Kidwai: The total amount paid to the air companies is Rs. 21,70,036/2/6.

Shri R. K. Sidhva: What is the amount paid to the railways for carrying the mails, arising out of (d).

The Honourable Mr. Rafi Ahmad Kidwai: Rs. 16,67,185/3/-

Sardar Hukam Singh: Is the Honourable Minister aware that a postcard posted from the N.W.F.P. took 17 years, 3 months and 27 days to reach Calcutta?

The Honourable Mr. Rafi Ahmad Kidwai: I think it is a credit to the post-office to have preserved a letter for such a long time and then delivered it to the addressee.

Shri R. K. Sidhva: Arising out of (f), may I know by what transport arrangement mails are carried to foreign countries, besides by air? What companies carry these mails?

The Honourable Mr. Rafi Ahmad Kidwai: Pardon?

Mr. Deputy-Speaker: He wants to know by what other means of transport mails are carried to foreign countries.

The Honourable Mr. Rafi Ahmad Kidwai: By steamers, by surface routes, sea routes, and whichever ship can deliver the mail to the country, it is sent by that ship.

Shri R. K. Sidhva: Are there contracts, and if there are, what is the rate paid?

The Honourable Mr. Rafi Ahmad Kidwai: There are contracts, that is, the international contract rates are fixed, and we pay at those rates.

Shri R. K. Sidhva: May I know what are the rates for the P. & O. Company and the B.L.S.N. Company?

The Honourable Mr. Rafi Ahmad Kidwai: I will require notice.

A MODERN HOTEL IN NEW DELHI

*684. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state whether the plan for constructing a modern hotel in New Delhi has materialized?

(b) If so, what stage has it reached?

(c) What will be the approximate cost of the hotel?

(d) Will it be built by private concerns or by Government?

(e) When is the hotel likely to be completed and has the site been selected for the purpose?

The Honourable Shri N. V. Gadgil: (a) to (e). A site measuring about eight acres has been reserved at Jorbagh, Lodi Road, for the construction of the hotel. Offers for the lease of the site were invited from private firms, possessing experience of hotel construction and management, and negotiations for the lease were undertaken with the firm, from whom the highest offer was received. This firm has not, however, so far intimated its final acceptance of all the terms and conditions of the lease.

As the hotel will be built by a private concern, it is not possible for Government to say what will be its approximate cost. Government's intention is that the hotel should be constructed, within a period of 18 months from the date on which the lease agreement is finally concluded.

Shri R. K. Sidhva: The Honourable Minister has said that the final acceptance of the terms has not yet been intimated. May I know what are the reasons for the delay?

The Honourable Shri N. V. Gadgil: The reason is this. The highest bidder was the Associated Hotels Limited; but there was some agreement between them and the original contractor who built the present Imperial Hotel. To get out

of this, another company has been floated called the East India Hotel Limited, and now negotiations are with this new company, and they have reached a stage from which it is reasonable to conclude that the negotiations will be completed very soon.

Shri R. K. Sidhva: May I know whether it is a fact that the proprietors of the Taj Mahal Hotel also submitted a scheme on the condition that prohibition will not be allowed to be implemented?

The Honourable Shri N. V. Gadgil: I will answer it in two parts. The proprietor of the Taj did submit a proposal. As regards the condition that prohibition should not be enforced in that hotel, I should not be understood to say that that condition was laid down by the Taj Proprietor alone. There were many others who wanted an assurance of that kind. But the only assurance that could be given was that the hotel management must respect the law of the land, and the only exception that was possible to be made was in the case of foreigners.

Shri B. N. Munavali: Since how long have these negotiations been going on?

The Honourable Shri N. V. Gadgil: For nearly a year.

Shri Raj Bahadur: What are the financial commitments of the Government, if any, in this proposal?

The Honourable Shri N. V. Gadgil: Not even to the extent of a copper coin.

Shri Mahavir Tyagi: May I know why the Government feels the need for having a hotel? For what purpose do they want it?

The Honourable Shri N. V. Gadgil: The Honourable Member is not aware of the acuteness of the shortage of accommodation in the city. There are nearly forty embassies, and we have not been able to give them sufficient accommodation, as we are under an obligation to do. In order to meet that demand, and also the demand of the general public, it was felt desirable that a hotel of this kind should be provided.

Shri S. Nagappa: In this hotel which is going to be constructed, may I know how many people will be accommodated?

The Honourable Shri N. V. Gadgil: Four hundred.

Shri S. Nagappa: How many storeys will the building have?

The Honourable Shri N. V. Gadgil: I require notice for that.

Sardar Hukam Singh: May I know what priority the construction of this building will have? May I know whether any preference will be given to it over the construction of houses for refugees?

The Honourable Shri N. V. Gadgil: Priority will be given if the negotiations are finalised, for the simple reason that a substantial part of the accommodation will be requisitioned by Government.

Mr. Tajamul Hussain: I understand that this hotel will be in European style. May I know whether arrangements will be made for the Indian style also, and particularly for the vegetarian style?

The Honourable Shri N. V. Gadgil: This will be borne in mind when finalising the conditions.

Shri R. K. Sidhva: May I know the price of the land that will be charged to the person who is going to build the hotel?

The Honourable Shri N. V. Gadgil: As I have already stated in the reply, we have accepted the highest offer, and if the Honourable Member wants further information, I require notice.

Shri Brajeshwar Prasad: While drinking facilities are provided for our countrymen in other hotels and restaurants of Delhi, why should there be this invidious distinction in the case of the proposed new hotel?

The Honourable Shri N. V. Gadgil: I think the Honourable Member has not fully understood me. My reply was that an assurance was demanded in advance, and it was stated to them plainly that such an assurance could not be given and that the management would have to honour the law of the land then prevailing.

Shri R. K. Sidhva: What is the amount quoted by the highest bidder?

The Honourable Shri N. V. Gadgil: I require notice.

Shri R. K. Sidhva: But Sir, the Honourable Minister said that he has received the highest offer and I want to know how much it is.

The Honourable Shri N. V. Gadgil: I require notice, Sir.

Mr. Deputy-Speaker: He has asked for the approximate cost. Here I would appeal to the Honourable Ministers to have full and complete knowledge of all relevant matters. I have been noticing a volley of questions here and a kind of cross-examination also. I would like Honourable Ministers to have complete information. They must anticipate all supplementaries. As a matter of fact, here is a question about the approximate cost of the hotel, that is to say, the cost of the land. I request the Honourable Ministers to take Members into confidence and give them as much information as possible, consistent with public safety and confidence.

The Honourable Shri N. V. Gadgil: I did not understand the question that way, perhaps I may be wrong. I thought the Honourable Member wanted details of all the offers. I might have misunderstood the question. The offer accepted was Rs. 70,000 per acre.

श्री गोकुल भाई दौलतराम भट्ट : क्या इस होटल की योजना वर्क्स, माइन्स एंड पावर की स्टैंडिंग कमेटी के सामने रखी गई थी ?

Shri Gokulbhai Daulatram Bhatt: Was the plan to construct this hotel placed before the standing Committee attached to the Ministry of Works, Mines and Power?

आनरेबिल श्री एन. वी. गडगिल : जब वह फाइनलाइज (finalize) हो जायगी तब रखी जायगी।

The Honourable Shri N. V. Gadgil: This will be done when it is finalised.

श्री गोकुलभाई दौलतराम भट्ट : क्या यह बात ठीक नहीं होती कि यह योजना स्टैंडिंग कमेटी के सामने पहले रख दी जाती और फिर फाइनलाइज (finalize) की जाती ?

Shri Gokulbhai Daulatram Bhatt: Would it not have been proper if this scheme had been first placed before the Standing Committee and then finalized?

आनरेबिल श्री एन. वी. गडगिल : इसमें अगर गवर्नमेंट का कोई फाईनेंशल कमिटमेंट (financial commitment) होता तो ऐसा किया जाता।

क्योंकि इसमें कोई फाइनेंशल कमिटमेंट नहीं है इसलिए देखा जायगा और सोचा जायगा कि ऐसा करना ठीक है या नहीं।

The Honourable Shri N. V. Gadgil: This would have been done if this had involved any financial commitment by the Government. Because this does not involve any financial commitment, it will be seen and thought over whether or not this course is proper.

श्री गोकुलभाई दौलतराम भट्ट : इसमें वर्क्स, माइन्ज और पावर विभाग के काम करने वालों का समय लगता है, इस रीति से इसका फाइनेंस पर कुछ असर तो होता ही है।

Shri Gokulbhai Daulatram Bhatt: This takes the time of the staff in the Ministry of Works, Mines and Power, and thus it does have some effect on finances.

आनरेबिल श्री एन० वी० गैडगिल : कोई असर नहीं होता। जिस तरह से हम और जगह बेच रहे हैं। उसी तरह इस जगह भी बेच रहे हैं।

The Honourable Shri N. V. Gadgil: This does not have any effect. Just as we are doing in other cases, we are doing in this case also.

Shri Deshbandhu Gupta: May I know when these offers were received and finalised?

The Honourable Shri N. V. Gadgil: The negotiations are at such a stage that I hope they will be finalised in two months' time.

Shri Deshbandhu Gupta: When were these offers received? Were tenders invited or was it done by private negotiations?

The Honourable Shri N. V. Gadgil: Tenders as such were not invited. But as I stated in my reply, those persons who were interested and had considerable experience in running hotels and most of the leading hotel companies in the country were communicated with and after that the highest offer has been accepted.

Shri Deshbandhu Gupta: May I know whether it is a fact, that Government has offered land at the rate of Rs. 1,25,000 per acre to newspapers for their presses whereas they are selling it at the rate of Rs. 70,000 per acre for a hotel?

The Honourable Shri N. V. Gadgil: The price depends upon many factors, including the situation of the land.

Shri Deshbandhu Gupta: Is it not a fact that the site for the hotel is far better from the business point of view than the sites allotted to newspapers?

The Honourable Shri N. V. Gadgil: It is a matter of opinion.

Shri B. N. Munavalli: How many offers were received?

The Honourable Shri N. V. Gadgil: Half a dozen.

Shri S. V. Krishnamoorthy Rao: Are Government aware that some of the best hotels in England are being nationalised? If so, do Government propose to nationalise at least some of the hotels in India?

The Honourable Shri N. V. Gadgil: There is no intention at present to nationalise the hotel industry.

सेठ गोविन्द दास : तो जब कि सिर्फ ६ आदमियों ने इसके लिये दरखास्त दी थी और जब माननीय मंत्री जी यह कहते हैं कि करीब करीब हिन्दुस्तान भर के सब लोगों को इस बात के लिये लिखा गया था.....

Seth Govind Das: So, when only six persons had applied for this and when the Honourable Minister says that almost all the people in India were addressed in this matter.....

आनरेबिल श्री एन० वी० गंडगिल जो इसमें रह सकते हैं ।

The Honourable Shri N. V. Gadgil: Those who can live in it.

सेठ गोविन्द दास : तो क्या यह माना जाय कि हिन्दुस्तान में जो अच्छा होटल चलाने वाले हैं उनकी संख्या सिर्फ ६ ही है ।

Seth Govind Das: Then, should it be taken for granted that the number of persons who are experienced in hotel business in India is six only?

आनरेबिल श्री एन० वी० गंडगिल : ६ ने टेंडर दिये हैं । यह मंने नहीं कहा कि उनकी तादाद ६ है ।

The Honourable Shri N. V. Gadgil: Six have submitted tenders. I did not say that their number is six.

सेठ गोविन्दास , कितने लोगों को लिखा गया था और कितने लोगों ने टेंडर दिए थे

Seth Govind Das: How many people were addressed and how many have sent tenders?

आनरेबिल श्री एन० वी० गंडगिल : यह तो तफसील की बात है । इसके लिए मैं नोटिस चाहता हूँ ।

The Honourable Shri N. V. Gadgil: This is going into the details. I require notice for this.

Shri Brajeshwar Prasad: Was any tender received from Jubbulpore?

The Honourable Shri N. V. Gadgil: If one comes I am prepared to reconsider.

सेठ गोविन्द दास : क्या माननीय मंत्री जी को यह मालूम है कि जबलपुर में बहुत कम होटल हैं इसलिए वहाँ से टेंडर आने का प्रश्न नहीं उठता ।

Seth Govind Das: Is the Honourable Minister aware of the fact that there are very few hotels in Jubbulpore? The question of receiving tenders from that place, therefore, does not arise.

Mr. Tajamul Hossain: Have Government come to any decision as to what should be the maximum and minimum daily charge, considering the fact that our country is very poor?

The Honourable Shri N. V. Gadgil: As regards that the Hotel Control Act of Bombay has been made applicable to Delhi and New Delhi. Under the provisions of that Act the Tariff is prepared by the Deputy Commissioner of Delhi and is enforced.

Shri R. K. Sidhva: What was the offer received from the proprietor of the Taj Hotel?

The Honourable Shri N. V. Gadgil: It is a matter of detail.

QUALITY OF FOOD GRAINS

***665. Shri R. K. Sidhva:** (a) Will the Honourable Minister of Food be pleased to state whether it is a fact that the Government of India issued instructions to all provincial governments to see that there is no mixture of inferior quality grains or any other stuff in foodgrains?

(b) If so, have all Provincial Governments strictly followed the instructions?

The Honourable Shri Jairamdas Doulatram: (a) Yes.

(b) Yes, so far as the Government of India are aware.

Shri R. K. Sidhva: May I know whether the Government of India has received complaints from several consumers as regards the very defective quality and the mixture of grains that are supplied by the ration shops?

The Honourable Shri Jairamdas Doulatram: A number of complaints have been received. Apart from the question of mixture of grains, there are other complaints as well about the quality of grains. As Honourable members are aware Government have appointed a committee under the chairmanship of Pandit Lakshmi Kanta Maitra, which has toured five provinces and gone into details as to how to improve as also preserve the quality of the grains. Steps are being taken to see that conditions improve. I may tell the House frankly that personally I am not satisfied that proper quality grains are being distributed, apart from the question of mixture of grains. We are taking steps to improve matters.

Shri H. V. Kamath: Have Government issued instructions to the police or other vigilance staff to organise surprise raids on grain shops so as to catch offenders against the law?

The Honourable Shri Jairamdas Doulatram: We have left the details of the steps to be taken to the provincial governments. We have asked them to take all possible steps in the matter.

Shri Ajit Prasad Jain: What machinery do Government maintain to inspect and check whether any inferior grains are being mixed with other grains?

The Honourable Shri Jairamdas Doulatram: It is the ordinary food administration which, I believe, is handling this question in all the provinces.

Shri Ajit Prasad Jain: Do the Central Government maintain any machinery?

The Honourable Shri Jairamdas Doulatram: It does not maintain any special machinery in the provinces for this purpose.

Prof. Shibban Lal Saksena: When will the report of the committee be available?

The Honourable Shri Jairamdas Doulatram: As I said they have already toured five provinces. I think the report should be available at the end of two months. As soon as this session ends they will be able to complete the other provinces.

Shri H. V. Kamath: What steps are proposed to be taken in the Centrally Administered Areas to catch offenders?

The Honourable Shri Jairamdas Doulatram: If finance permits I am prepared to have a special staff to deal with the matter but so far finances have been a difficulty in having additional staff for the purpose of maintaining the quality in the provinces.

Shri Arun Chandra Guha: How many cases have been detected by the provincial governments?

The Honourable Shri Jairamdas Doulatram: There must be hundreds of cases all over the country.

Shri Arun Chandra Guha: Any action taken on them?

The Honourable Shri Jairamdas Doulatram: I will be able to get the information if any specific province is indicated, when I will make enquiries and give the information.

Shri Arun Chandra Guha: Have the Government any idea as to in how many cases there have been convictions?

The Honourable Shri Jairamdas Doulatram: I would not be able to say without notice.

Shri H. J. Khandekar: Have Government information that fine sand is collected from rivers and mixed with the grains?

The Honourable Shri Jairamdas Doulatram: I have no information but if any specific cases are brought to my notice I will go into the matter.

Shri E. K. Sidhva: The Honourable Minister said that if finances are available a special staff will be appointed in the Centrally administered area. May I know whether he had made any effort to approach the Finance Minister, as it is a subject which relates to the health of the people, and whether the Finance Minister refused?

Mr. Deputy-Speaker: The Honourable Minister need not answer that question. The Honourable Minister is expected to have taken all reasonable steps. Questions as to whether the Honourable Minister approached the proper authority for finances etc. have no meaning. He said "if finances permit". From that the inference is that he has done his best to get the finance from the quarter responsible and that the finances are not available.

The Honourable Shri Jairamdas Doulatram: There is no question of referring to the Finance Minister.....

Prof. N. G. Ranga: Sir, this is not the first time that an Honourable Minister has said that he is in favour of various suggestions that are being made in the House but that unfortunately finance was not available, as if the Finance Minister is guilty of all these things. In that case it makes no difference between the Minister concerned and the private members in this House. May I suggest that if any answers are given the Honourable Minister concerned may be expected to state what he proposes to do or what he is doing consistently with the funds that are made available to him.

Mr. Deputy-Speaker: I agree. But to ask further, after the answer of the Honourable Minister that finances are not available, as to whether he made an approach to the Finance Minister or the Standing Finance Committee does not seem to be proper.

SCIENTIFIC DEVICE FOR PREVENTION OF DERAILMENT

*668. **Shri E. K. Sidhva:** (a) Will the Honourable Minister of Railways be pleased to state whether any scientific device has been invented by any individual or through any institute to prevent derailment of trains?

(b) If so, what is the device so invented and have Government been approached to examine the said device?

(c) If so, have the Railway Board taken advantage of this device and made experiment with it and if so, with what result?

(d) What is the decision of Government regarding this?

The Honourable Shri N. Gopaldaswami Ayyangar: (a) A device was brought to the notice of the Government by Shri J. M. Sharma of Lucknow in March 1949.

(b) This device consisted of a covering for the rail joint to prevent unauthorised persons from tampering with fishplates and fish bolts. The Government were approached by Shri Sharma to examine the device.

(c) The arrangement was examined by Railway Technical Authorities at the Government Technical Institute, Lucknow, but was considered impracticable for adoption.

(d) The Railway Board reached the decision that this device could not be economically or usefully adopted on Railways.

Shri R. K. Sidhva: Does the device which the Honourable Minister mentioned relate to a scientist in Calcutta?

The Honourable Shri N. Gopaldaswami Ayyangar: No. It is a person from Lucknow.

Shri R. K. Sidhva: Is it a fact that a scientist from Calcutta approached the Railway Board in this matter and that the Railway Board are making experiments with his device between Howrah and certain stations?

Mr. Deputy-Speaker: I think the other device relates to ticketless travelling.

The Honourable Shri N. Gopaldaswami Ayyangar: This question relates to the derailment of trains.

Shri R. K. Sidhva: I am also asking in respect of the derailment of trains.

The Honourable Shri N. Gopaldaswami Ayyangar: This refers to a device for ensuring safety and that relates to a different matter. It does not relate to this question.

Dr. P. S. Deshmukh: Has there been any device invented by an engineer in Bombay and has it been examined?

An Honourable Member: For what?

Dr. P. S. Deshmukh: For the prevention of derailments.

The Honourable Shri N. Gopaldaswami Ayyangar: I have a vague recollection that somebody from Bombay did suggest something and that was examined and found to be impracticable.

Shri H. V. Kamath: From the reports received, have cases of derailment shown a tendency to increase during the last three years?

The Honourable Shri N. Gopaldaswami Ayyangar: I am not aware of any increase in derailments during the last three years, one year being compared with another.

Shri R. K. Sidhva: May I know what is the result of the experiment on this ticketless travelling?

Mr. Deputy-Speaker: The Honourable Member is straying away to another matter. Next question.

UNDERGROUND RAILWAY

*667. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Railways be pleased to state whether it is a fact that the Government of India contemplate laying an underground railway in Calcutta?

(b) If so, has the scheme been surveyed and what is the total estimated cost of such a railway?

(c) Have the Government of India approved of such a scheme?

(d) Has there been any such scheme for the city of Bombay? If so, what were the results?

The Honourable Shri N. Gopaldaswami Ayyangar: (a) No; but the Government of West Bengal are examining such a scheme.

(b) A scheme for an underground railway was recently prepared by a French concern and is at present under the scrutiny of the West Bengal Government. The estimated cost of this scheme is not known.

(c) As the Government of India has not yet had an opportunity of examining this scheme, the question of approval does not arise.

(d) Various schemes for underground Railways in Bombay have been considered since 1922-23, but no proposal has yet been approved on account of the high cost. The latest proposal for an underground Railway between Bombay Central and Colaba was made in 1947, in connection with the preparation of a Master Plan for the Greater Bombay region, but was not pursued as the Government of Bombay wanted to explore other ways for dealing with the increased traffic.

Shri R. K. Sidhva: Who is to bear the preliminary expenses of the contemplated West Bengal scheme?

The Honourable Shri N. Gopaldaswami Ayyangar: For the time being the West Bengal Government is bearing it.

Shri R. K. Sidhva: But Railways being a Central subject, even before giving it to the French engineering company did they consult the Central Government?

The Honourable Shri N. Gopaldaswami Ayyangar: The question whether it is a Central liability or a provincial liability is still a matter for consideration. It cannot be said very definitely that the provision of underground sub-way railway of this description is necessarily a Central liability.

Shri R. K. Sidhva: But is it not a fact that in the Constitution it is definitely stated that the railways and trams are subjects of the Union?

The Honourable Shri N. Gopaldaswami Ayyangar: Which Constitution?

Shri R. K. Sidhva: The New Constitution.

The Honourable Shri N. Gopaldaswami Ayyangar: The New Constitution has not come into force yet.

Shri R. K. Sidhva: Certain portions of it have already come into force.

Mr. Deputy-Speaker: The question is a matter of opinion.

Dr. P. S. Deshmukh: Has at any time a scheme of underground railway for Delhi been considered by Government?

The Honourable Shri N. Gopaldaswami Ayyangar: Not that I know of.

Shri H. V. Kamath: Will this matter regarding the provincial liability *vis-a-vis* the Centre be re-examined on January 28th when the Constitution comes into force?

The Honourable Shri N. Gopalswami Ayyangar: It will be examined when the West Bengal Government do address us after they have examined the scheme.

Shrimati Dakshayani Velayudhan: May I know why the Bengal Government alone is considering this scheme of underground railway—is it for those who have gone underground?

The Honourable Shri N. Gopalswami Ayyangar: I believe the West Bengal Government is perhaps more enterprising than other Provincial Governments.

Shri Arun Chandra Guha: Will this be a provincial or a Central matter?

Mr. Deputy-Speaker: He has answered it. It is a question of opinion.

TRIBUNAL FOR FIXING RAILWAY RATES

†*668. **Shri B. K. Sidhva:** (a) Will the Honourable Minister of Railways be pleased to state whether it is a fact that Government have appointed a tribunal for the purpose of fixing up Railway rates?

(b) If so, what is the composition of the tribunal and is the tribunal empowered to give final decision?

(c) Will the tribunal deal with the scale of railway passenger fares along with freight rates?

The Honourable Shri K. Santhanam: (a) Government have set up a statutory Railway Rates Tribunal for considering public complaints against Railways relating to rates and charges for the carriage of merchandise by goods train and complaints of undue or unreasonable preference in connection therewith.

(b) The Tribunal consists of a President and two other members appointed by the Central Government and is empowered to give final decisions in matters within its jurisdiction.

(c) The Tribunal will not deal with the scale of railway fares except on a reference made to it by the Central Government.

ENGINEERS SENT TO U.S.A. FOR TRAINING

*669. **Dr. Mono Mohon Das:** Will the Honourable Minister of Transport be pleased to state:

(a) how many engineers have been sent to U.S.A. for intensive and specialised training in modern methods of High Way Engineering;

(b) from what provinces and states they have been selected; and

(c) the total expenditure incurred by Government on them?

The Honourable Shri K. Santhanam: (a) Fifty-two engineers.

(b) These engineers came from all Provinces except Assam, from the States of Mysore and Hyderabad, and the Unions of Travancore-Cochin, Saurashtra, and the Patiala and East Punjab States Union.

(c) The total expenditure incurred amounts to rupees nine lakhs and sixty thousand in round figures. This includes an expenditure of rupees three lakhs and forty-seven thousand incurred by the Government of India.

† Answer to this question laid on the Table, the questioner having exhausted his quota.

Dr. Mono Mohon Das: May I know what is "Highway Engineering"?

The Honourable Shri K. Santhanam: Highway engineering is engineering in relation to highways.

Dr. Mono Mohon Das: May I know whether the cost of training of the engineers in America will be borne by the Provincial Governments or by the Centre?

The Honourable Shri K. Santhanam: So far as these deputations are concerned, part of the cost was borne by the Centre and part by the Provinces which sent them.

Dr. Mono Mohon Das: May I know what will be the duration of the training and whether any diploma will be given at the end of the training?

The Honourable Shri K. Santhanam: This is not a regular training as such. Periodically we send them, and the duration of training in U.S.A. has been four and a half months for each of these deputations.

Shri S. Nagappa: May I know whether those that were selected and sent to U.S.A. were in government service prior to their being sent to foreign countries or whether they were selected from the colleges?

The Honourable Shri K. Santhanam: They were all in the Engineering Services of the various Provinces or States and the Centre.

Shri Satla Chandra Samanta: May I know who selected those engineers and by what method they were selected.

The Honourable Shri K. Santhanam: The selection of candidates was done in the case of each of the three deputations after nominations were made by the Provincial and State Governments who had been asked for nominations months in advance. The scheme is well-known to all Provincial Chief Engineers.

Dr. V. Subramaniam: May I know whether all these engineers who have been given training abroad will be utilised for training further students in their respective engineering subjects?

The Honourable Shri K. Santhanam: They were trained to look after Highway administration in each Province in a better manner.

Dr. V. Subramaniam: Apart from that, are they being utilised to train further students in highway engineering?

The Honourable Shri K. Santhanam: This is not a case of students' training. Presumably these engineers are instructing their subordinates in the better methods of engineering learnt by them.

Mr. Deputy-Speaker: They are not professors.

Prof. N. G. Ranga: Have any of the batches returned to India, and, if so, have they submitted any Report to the Government of India?

The Honourable Shri K. Santhanam: All these have returned—one in 1946, the second in 1947 and the third in 1949. The full course of the training offered is published in the bulletin of the Road Congress.

Prof. N. G. Ranga: Have they submitted any report to the Government of India at any time?

The Honourable Shri K. Santhanam: The whole course of training is pre-arranged and they undergo training and come back.

Mr. Deputy-Speaker: No special report is called for evidently.

Dr. P. S. Deshmukh: Has this training been found to be of real utility and worth the money that is spent on it?

The Honourable Shri K. Santhanam: That is the opinion of our experts.

Shri Raj Bahadur: May I know the number of trainees from each Province?

Mr. Deputy-Speaker: Does the Honourable Member want to exhaust all the Provinces or confine himself to one Province only? It will take a long time to read figures for Province after Province.

Shri Raj Bahadur: What is the number for Rajasthan?

The Honourable Shri K. Santhanam: I don't find Rajasthan in my list.

Prof. Shibban Lal Saksena: Is this scheme being continued and if so how many have been sent this year?

The Honourable Shri K. Santhanam: It will be decided as and when occasion arises. For this year the scheme is completed and we don't know whether we shall continue it next year or not.

Shri S. Nagappa: May I know whether the people are selected by the Central Government or by the Provincial Governments?

The Honourable Shri K. Santhanam: I have already answered that question.

CATTLE UTILISATION

870. Seth Govind Das: Will the Honourable Minister of Agriculture be pleased to state:

- (a) the number of cattle breeding centres opened in India in 1948-49;
- (b) facilities provided for the salvage of dry herd of cattle in big cities; and
- (c) results of artificial insemination for improving the breed of cattle?

The Honourable Shri Jairamdas Doulatram: (a) to (c). A statement on the basis of information supplied by the Provincial and State Governments is placed on the Table of the House. (See *Appendix XVII, annexure No. 2.*)

सेठ गोविंद दास : क्या यह बात सत्य है कि कुछ जगह जहाँ पर कि यह ब्रीडिंग फार्म्स (breeding farms) शुरू किये गये थे वहाँ अब यह बन्द किए जा रहे हैं।

Seth Govind Das: Is it a fact that these breeding farms which were opened at certain places are now being closed?

आनरेबिल श्री जयरामदास दौलतराम : बन्द नहीं किये जा रहे हैं, लेकिन प्राविशियल गवर्नमेंट्स को दिये जा रहे हैं।

The Honourable Shri Jairamdas Doulatram: These are not being closed, but have been handed over to the Provincial Governments.

सेठ गोविंद दास : तो क्या गवर्नमेंट को प्राविशियल गवर्नमेंट्स से इस बात का वचन मिल गया है कि इन ब्रीडिंग फार्म्स को बन्द नहीं करेगी बल्कि यह फार्म्स चलाये जायेंगे।

Seth Govind Das: Have Government secured a promise from the Provincial Governments to the effect that they will not close these breeding farms but will run them?

मानरेबिल श्री जयरामदास दौलतराम : जहाँ दिये गये हैं वहाँ यही आशा है कि चलाये जायेंगे ।

The Honourable Shri Jairamdas Doulatram: Wherever these have been made over, it is hoped these will be run.

सेठ गोविंददास : मैं यह और जानना चाहता हूँ कि 'ग्रो मोर फूड (Grow More Food) की स्कीम में इस विषय को भी शामिल क्यों नहीं किया गया क्योंकि इसका उससे बहुत अधिक सम्बन्ध है ।

Seth Govind Das: I want to know further why this subject has not been included in the 'Grow More Food' scheme since this is very largely connected with it?

The Honourable Shri Jairamdas Doulatram: Does it arise, Sir?

Mr. Deputy-Speaker: I have not followed the question. I only request that so long as I am in the Chair Honourable Members will put their questions in English.

Seth Govind Das: I wanted to ask the Honourable Minister that when this question has such a great connection with the Grow More Food campaign, why these breeding farms are not included in their schemes.

The Honourable Shri Jairamdas Doulatram: It cannot form a direct part of the Grow More Food campaign. If it is so interpreted then everything will form a part of the Grow More Food campaign including the growing of fodder for cattle needed for field work; apart from food, the production of food for cattle also then becomes part of that Grow More Food campaign.

Shri V. I. Manishwamy Pillay: In view of the cyclone in Andhra Desha will the Government consider the necessity of opening a cattle breeding centre in Andhra Desha?

The Honourable Shri Jairamdas Doulatram: If the Provincial Government bears a portion of the cost the matter could be considered.

Shri C. Subramaniam: Do our *shastras* sanction artificial insemination?

Shri Ajit Prasad Jain: May I know if there is a cattle breeding farm in Jubbulpore?

The Honourable Shri Jairamdas Doulatram: Yes, we have taken the land and have a small herd, but the question of further development is under consideration on account of financial difficulty.

Shri Ajit Prasad Jain: May I know whether they are practising artificial insemination in Jubbulpore farm?

Mr. Deputy-Speaker: We are making it a little too provincial.

Shri Balwant Sinha Mehta: Are the *gowshalas* included in the breeding centres?

The Honourable Shri Jairamdas Doulatram: I don't think that ordinarily *gowshalas* can be regarded as breeding centres.

Shri Ajit Prasad Jain: On a point of order, will the Chair be in order in compelling an Honourable Member of this House to break a solemn oath which he has taken to speak only in Hindi?

Seth Govind Das: I have not taken any solemn oath.

Mr. Deputy-Speaker: There is no point of order. At my request any Honourable Member can break his vow.

TELEGRAMS IN HINDI

***671. Seth Govind Das:** Will the Honourable Minister of Communications be pleased to state:

(a) if steps are being taken to provide facilities for sending telegrams in Hindi; and

(b) if so, to what areas telegrams in Hindi can be sent, or are proposed to be sent in the year 1949-50?

The Honourable Mr. Rafi Ahmad Kidwai: (a) and (b). Facilities for sending telegrams in Hindi have already been provided at Agra, Allahabad, Benares, Gaya, Jubbulpore, Kanpur, Nagpur and Patna. The question of extending the facility to other stations is under examination.

Seth Govind Das: May I know whether the number of telegrams which are now being sent from places where these facilities have been offered, is increasing or is just as it was before?

The Honourable Mr. Rafi Ahmad Kidwai: It is increasing in the U.P., but Jubbulpore, Nagpur and Gaya are showing a decrease.

Seth Govind Das: May I know the reason for this, Sir?

Shri L. Krishnaswami Bharathi: May I know whether it is a fact that the President of the Hindi Sahitya Sammelan, Mr. Govind Das himself, has been sending all his telegrams in English and none in Hindi from Jubbulpore?

The Honourable Mr. Rafi Ahmad Kidwai: I would like to know who is the President of the Sahitya Sammelan.

Mr. Deputy-Speaker: The question is too personal.

Shri M. Tirumala Rao: May I know in what script these Hindi telegrams are accepted? In Roman script or Devnagri?

The Honourable Mr. Rafi Ahmad Kidwai: In Hindi script.

Shri Deshbandhu Gupta: May I know whether facilities are being extended to Delhi also for booking telegrams in Hindi?

The Honourable Mr. Rafi Ahmad Kidwai: The next stations to be selected are Delhi and Jaipur.

Sardar Hukam Singh: After the experiment that has been tried so far, may I know whether the impression of the Government is that it has been proceeding satisfactorily or not?

The Honourable Mr. Rafi Ahmad Kidwai: It is not an experiment. It is the introduction of the national language.

Shri Mahavir Tyagi: Is it a fact that a telegram in Hindi, according to the number of words involved, costs more than a telegram in English?

The Honourable Mr. Rafi Ahmad Kidwai: That is for the experts in the language to devise. They can devise any words and it will be transmitted in that form.

Shri Mahavir Tyagi: What has been the experience of the Department on this question: do they find that a telegram in Hindi having the same purport costs more than a telegram in English because more words are used in Hindi?

The Honourable Mr. Rafi Ahmad Kidwai: In some cases less words can be used, in other cases more words may have to be used.

Seth Govind Das: Is it under contemplation of Government to increase the maximum number of words for the same amount charged? That is, suppose a certain number of words are accepted for one rupee in English, then a larger number would be accepted in Hindi?

The Honourable Mr. Rafi Ahmad Kidwai: I will consider this suggestion when the time comes.

Shri Ajit Prasad Jain: May I know what standard or criterion does the Government adopt in extending this facility to different towns?

The Honourable Mr. Rafi Ahmad Kidwai: We started it in an area where the Hindi language is more prevalent than in other parts, therefore most of the stations were selected in U.P., C.P. and Bihar. Now I find that many people want to send telegrams from Delhi to these places and therefore Delhi and Jaipur are being selected for the next extension.

Shri Ajit Prasad Jain: May I know whether Delhi is one of those towns where standard Hindi is not one of the most prevalent languages?

The Honourable Mr. Rafi Ahmad Kidwai: That is true, but many people from places where standard Hindi is prevalent visit Delhi and I want to extend to them the facility of communicating with their families or friends or businessmen in the language that is prevalent there.

Shri S. V. Krishnamoorthy Rao: Has the Department developed a telegraph code with Hindi alphabets or is it still using the foreign Morse Code?

The Honourable Mr. Rafi Ahmad Kidwai: They have developed their own code.

श्री महावीर त्यागी में यह दर्याप्त करना चाहता हूँ कि हिन्दी में जो 'ने', 'को' वगैरह के लफ्ज आते हैं, और दूसरे लफ्जों के साथ मिलते हैं, अलग लिखे जाते हैं या अंग्रेजी में जिस तरह अपासट्राफी एस् (apostrophe "s") को मिला कर एक ही लफ्ज गिना जाता है इस तरह की गुंजायश हिन्दी में भी है।

Shri Mahavir Tyagi: May I know whether the words 'ने' and 'को' etc. occurring in Hindi which are joined with other words, are written separately, or combined with other words, and counted as one word, just as is done in English with an apostrophe "s"?

• آنہیں مسٹر رفیع احمد قدوائی : یہ تو لکھنے والے کی قلمبست پر ہے ۔
اگر وہ دو کو، دو نے، آرا سے تو آرا سے ہے ۔

The Honourable Mr. Rafi Ahmad Kidwai: It all depends upon the ability of the writer. If he can drop “و” and “ے” he can do so.

Mr. Deputy-Speaker: I think the Honourable Members who have spoken are putting questions to persuade the Honourable Minister to withdraw the concession. I feel the arguments and supplementary questions are directed towards the non-use of the national language.

श्री गोकुलभाई दौलतराम भट्ट : यह जो हिन्दी में तार भेजने की सुविधा है उसमें क्या शहरों के अलावा कस्बों को भी जल्दी इखिल नहीं किया जायगा ?

Shri Gokulbhai Daulatram Bhatt: May I know whether the facilities for sending telegrams in Hindi will also soon be extended to villages also?

آنرہبل مسٹر رفیع احمد قذوائی : ہم ٹریلنگ کے لئے وہ ہیں اور جنوں جنوں لوگوں کو ٹریلنگ ملتی جائے گی دوسرے اسٹیشنوں میں یہ پہنچانے جائیں گے۔

The Honourable Mr. Rafi Ahmad Kidwai: We are giving training; and as soon as more people are trained, it will be extended to other stations.

Shri T. A. Ramaṅgam Chettiar: Why not the Minister at least reply in English?

The Honourable Mr. Rafi Ahmad Kidwai: I answer in the language in which the question has been put.

HYDRO-ELECTRIC POWER

*672. **Seth Govind Das:** Will the Honourable Minister of Works, Mines and Power be pleased to state the amount of Hydro-electric power generated during the year 1948-49, and what further increase in output is expected during the year 1949-50?

The Honourable Shri N. V. Gadgil: The total Hydro-electric power generated in the country in 1948-49 is reported to have been 2,391 million K.W. hours. During the year 1949-50, the Provincial and State Governments concerned expect to add another 138 million K.W. hours to it.

Shri H. V. Kamath: Is it a fact that the Wain ganga scheme in C.P. has been or is going to be abandoned?

The Honourable Shri N. V. Gadgil: By no stretch of imagination can this arise out of this question.

Shri V. I. Munishwamy Pillay: May I know whether there is any proposal to have a further dam in the Nilgiris for storing water and generating electricity?

The Honourable Shri N. V. Gadgil: I require notice.

श्री लक्ष्मी नारायण साहू : मैं जानना चाहता हूँ कि जितनी इलेक्ट्रिसिटी आप पैदा करते हैं, उतनी इलेक्ट्रिसिटी सब खप जायेगी काम में, क्या ऐसा कुछ प्रबन्ध सरकार न साचा है ।

Shri Lakshminarayan Sahu: May I know whether Government have thought of any such arrangements by which the entire energy that is produced is consumed?

वानरेंबिल श्री एन. वी. गडगिल : जो पैदा होती है, उससे ज्यादा डिमांड (demand) है।

The Honourable Shri N. V. Gadgil: The demand exceeds the production.

Prof. N. G. Ranga: What steps are Government taking to increase the total power within the next one or two years?

The Honourable Shri N. V. Gadgil: Assuming that this is allowed by the Chair, my reply is that the detailed information has already been published. What is proposed to generate by way of hydro-electric power and by way of thermal process—those plans are already there. In the course of the next five years, it is proposed that there will be an increase of 80 per cent. over the power available today.

Shri Raj Bahadur: May I know whether any proposals for generating hydro-electric power from the Chambal river is under contemplation of Government?

The Honourable Shri N. V. Gadgil: It is one of the projects approved by the Madhya Bharat Government.

Shri S. Nagappa: May I know whether, out of the power generated, any is supplied for agricultural purposes? If so, in which province and at what rate per unit?

The Honourable Shri N. V. Gadgil: It is very difficult to give a detailed reply, but in the presidency of Madras there are about 5,000 pumps working on hydro-electric power in rural districts mainly for agricultural purposes.

Shri S. Nagappa: May I know if any concession is given to these agriculturists who make use of electric power?

The Honourable Shri N. V. Gadgil: I require notice.

Mr. Deputy-Speaker: It is well known that it is 9 pies per unit for agricultural purposes and 3½ annas for lighting and industrial purposes.

Seth Govind Das: Will this increased production of 80 per cent. be from the existing schemes or will there be any new schemes?

The Honourable Shri N. V. Gadgil: Both.

श्रीलक्ष्मी नारायण साहू : क्या सरकार को मालूम है कि जितनी इलेक्ट्रिसिटी पैदा होने वाली है, वह सब उड़ीसा में खत्म नहीं हो सकती है, इस लिये क्या उड़ीसा सरकार इलेक्ट्रिसिटी दूसरे को दे सकती है, जैसे मद्रास गवर्नमेंट को ?

Shri Lakshminarayan Sahu: Are Government aware that the entire electric energy that is likely to be produced cannot be utilized in Orissa and can the Government of Orissa supply it to others such as the Madras Government?

The Honourable Shri N. V. Gadgil: When we plan for increased production, at the same time the factor of utilisation is taken into consideration and then only the plan is finalised.

MINERAL WEALTH AND NEW MINES

*673. **Seth Govind Das:** Will the Honourable Minister of Works, Mines and Power be pleased to state;

(a) whether a survey is proposed to be made of the mineral wealth of the integrated Indian States; and

(b) what new mines of great potential value have been discovered during the year 1948-49?

The Honourable Shri N. V. Gadgil: (a) A considerable amount of exploratory work has been done in the past on the mineral deposits of the integrated Indian States by the Geological Survey of India, and a number of mineral investigations in those States are scheduled to be carried out during the current field season from the beginning of November till the end of April.

The account of the work already done is given in a number of publications of the Geological Survey of India.

(b) A statement (No. I) is laid on the Table showing the particulars of the mineral investigations of potential value which were carried out in the States during 1948-49 (See Appendix XVII, annexure No. 3.)

These investigations either revealed new deposits or produced data which has considerably enlarged the previously known reserves.

I also place on the Table another statement (No. II) showing the particulars of investigations intended to be carried out in the States during the current field season. (See Appendix XVII, annexure No. 3.)

Seth Govind Das: In view of the fact that C.P. is considered to be very rich in regard to mineral resources and particularly Bastar State which has recently been merged in it, may I know if there is any scheme to exploit the Bastar State in particular in the near future?

The Honourable Shri N. V. Gadgil: Apart from the province of C.P. there are other areas in the Union which are equally rich in minerals; there is no special scheme for Bastar State.

Sjt. Kuladhar Chalhha: May I know what is the result of the geological survey in Assam and whether gold has been found?

The Honourable Shri N. V. Gadgil: In 1948-49 the report shows that no gold has been found, but the prospects of oil are encouraging. For the season 1949-50, it is proposed to direct the survey towards clay deposits in Tripura State.

Shri B. L. Sondhi: The question relates to Indian States; where does Assam come in?

आनरेबिल श्री एन० वी० गडगिल : उन्होंने पूछा था, सवाल का जवाब देना था, अगर नहीं देंगे तो नाराजगी होगी ।

The Honourable Shri N. V. Gadgil: A question was asked and had to be replied. No reply would have meant discourtesy.

Shri Balwant Sinha Mehta: May I know whether any mineral wealth has been discovered in Rajasthan?

The Honourable Shri N. V. Gadgil: The position in 1948-49 in Rajasthan is:

Examination of beryl deposits in Ajmer-Merwara.
Investigation of limestone occurrences in Chitooargh, Mewar State.
Prospecting of gypsum in Jaisalmer and Jodhpur States.
Investigation of limestone deposit in Kotah.
Investigation of glasssand in Bundi State.
Examination of the copper areas in Alwar and Jaipur States.
Examination of the lead-zinc mine at Zawar, Udaipur State.

Shri Balwant Sinha Mehta: Are these publications available to members of the public and Members of the House?

The Honourable Shri N. V. Gadgil: Yes, Sir.

Sardar Bhopinder Singh Man: Is it a fact that high quality sand is also available in Rajasthan?

The Honourable Shri N. V. Gadgil: Yes.

ELECTRIC COMPANIES

*674. **Beth Govind Das:** Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) whether there are any electric companies, head offices of which were transferred to India from places now in Pakistan, and which are now practically defunct; and

(b) whether security deposits have been returned to consumers of energy and what steps have been taken to safeguard depositors' interests?

The Honourable Shri N. V. Gadgil: (a) The information is being collected from the Provincial and State Registrars of Joint Stock Companies and the individual Companies concerned and will be laid on the Table of the House in due course.

(b) Government have received no complaints regarding return of security deposits of consumers with electric companies referred to in (a). The second part of the question therefore, does not arise.

BOOKSTALL HOLDERS IN RAILWAY STATIONS

*675. **Dr. Mono Mohon Das:** Will the Honourable Minister of Railways be pleased to state the method usually followed in appointing bookstall-holders in big stations like Delhi Main Junction, Howrah, etc.?

The Honourable Shri K. Santhanam: The contract for bookstalls is allotted on the licensing system as opposed to the tender system, the selection of the contractor being made on grounds of reliability, financial soundness, past experience and satisfactory service.

Dr. Mono Mohon Das: May I know, Sir, whether the contracts are given on a yearly basis or for a numbers of years at a time?

The Honourable Shri K. Santhanam: The contracts are usually for a particular number of years, subject to termination at some months' notice on either side.

Dr. Mono Mohon Das: May I know, Sir, what is the designation of the officer who is in charge of the selection of contractors and whether he has got the right to reject any or all the applications without assigning any reasons?

The Honourable Shri K. Santhanam: I believe officers who are on the commercial side of the railway administration are entrusted with this work.

Shri Ramnath Goenka: Why are not these contracts given on a tender basis?

The Honourable Shri K. Santhanam: The particular subject is not considered fit to be done on a tender basis, as speculative tenders may be offered by people without any experience of this trade.

Dr. Momo Mohon Das: May I know, Sir, whether it is not a fact that last year one of the book seller companies was appointed for the Delhi Main Junction on a commission of 3½ per cent. to Government, whereas the application of other companies which were prepared to pay more were rejected?

The Honourable Shri K. Santhanam: No, Sir. The royalty which has been prescribed by the Central Advisory Council for all such contracts is 3½ per cent. The old company was found unsuitable by a Committee of the Central Advisory Council and on the recommendation of the entire Central Advisory Council a notice of termination was given to the old company.

Shri E. K. Sidhva: What is the amount of royalty recovered from all the bookstall holders during the last year?

The Honourable Shri K. Santhanam: I require notice of that question. The maximum charged is 3½ per cent.

Shri Ramnath Goenka: Was the recommendation of the Committee of the Central Advisory Council carried out *in toto* or only in part?

The Honourable Shri K. Santhanam: The recommendation of the Committee was carried out *in toto*, but unfortunately the old bookstall keeper went to court and got an injunction and the litigation is still going on. Until the litigation is completed the Railways will not be able to implement the recommendation of the Committee *in toto*.

Shri Satis Chandra Samanta: May I know whether displaced and uprooted persons will be shown any preference in the matter of contract for bookstalls?

The Honourable Shri K. Santhanam: Sir, in the case of bookstalls the needs of the passengers and the public have to be given predominant consideration.

Shri E. K. Sidhva: May I know, Sir, if within the terms of the contract a dispute arises, there is an arbitration clause?

The Honourable Shri K. Santhanam: Sir, I would require notice of that question. But even if there is an arbitration clause, there is nothing to prevent a man from going to a court.

Dr. Momo Mohon Das: Is it not a fact, Sir, that one particular company has been given the contract for bookstalls at all the bigger stations of India?

The Honourable Shri K. Santhanam: I do not think so. There are other big companies, for instance, like the Higginbothams in the South. I do not think there is a single company which has got a monopoly at all the stations.

TRACTORS AND BULL-DOZERS

*676. **Shri Deshbandhu Gupta:** Will the Honourable Minister of Agriculture be pleased to state:

(a) the number of tractors and bull-dozers which the Government of India, Provinces and States possess and the amount spent on the purchase of the same;

(b) the total acreage of land ploughed by these tractors during the last one

year and acreage which they should have ploughed on the basis of their standard average capacity to plough;

(c) the cost of working, maintenance and repair incurred on them during the period;

(d) the number of tractors which are at present out of order and the total working hours for which these tractors remained out of order during the last one year;

(e) whether it is a fact that the tractors are not given to private individuals who have been allotted large plots of land in the United Provinces unless they deposit the ploughing charges at the rate of Rs. 55/- per acre in advance nor are facilities given to private individuals to buy tractors of their own on instalment basis;

(f) whether it is a fact that private individuals who do not pay something by way of illegal gratification to the subordinate officials connected with the Tractor Organisation particularly in the United Provinces find it hard to get tractors to plough their land;

(g) if so, what action Government have taken to counteract this evil; and

(h) whether it is a fact that the Tarai area in the United Provinces which is being brought under cultivation is infested with wild animals, e.g., tigers, bears etc., and the Government does not give any facilities to such people who are doing the pioneering work in reclaiming this area and they find it very difficult even to get a renewal of their fire-arms licences etc.?

The Honourable Shri Jakramdas Doulatram: (a) to (d). A statement giving the available information is laid on the Table. (See *Appendix XVII, annexure No. 4.*)

(e) Yes. The U.P. Government are investigating the possibility of realising the dues in three instalments in cash or kind from three major crops instead of taking an advance. *Takavi* recoverable in easy instalments is invariably given to private individuals for the purchase of tractors and implements provided they hypothecate adequate security.

(f) and (g). The Central Tractor Organisation is not concerned with any complaint of illegal gratification as the organisation undertakes work only on such lands as are made available for the purpose by the Provincial or State Government concerned. Complaints of this nature have been received by the Governments of Bombay, Madras and U.P. only. A note indicating the action taken by the Provincial Governments concerned is placed on the Table. (See *Appendix XVII, annexure No. 5.*)

(h) Yes. U.P. Government have a planned scheme of reclamation which envisages the erection of wire fencing to keep off wild animals and the appointment of *shikaris* to shoot wild animals at sight within the colonisation areas. The menace is, however, being gradually overcome and no loss to life has so far been reported. The U.P. scheme also contemplates a more liberal distribution of fire-arms for protection of crops. The settlers are only now being admitted to land in the Tarai and licenses for fire-arms will be issued by the U.P. Government wherever considered necessary.

Shri Deshbandhu Gupta: May I request the Honourable Minister to read out the replies to part (a) and (b) of my question—or at least give the total amount spent on the purchase of the tractors and the total number of tractors and bull-dozers purchased? My supplementaries can only be based on that information. It is not going to take a long time.

The Honourable Shri Jairamdas Doulatram: It is a very long statement containing about 25 items. But I shall give him the number of tractors possessed by the different provinces.

United Provinces 450, East Punjab 137, Central Tractor Organisation 252, Mysore 148, Bihar 30, Assam 31, Bombay 163, Hyderabad 30, C.P. 30, Orissa 12, Madras 157, Saurashtra 63, Vindhya Pradesh 6, West Bengal 14 and Travancore 5.

Shri Deshbandhu Gupta: What I wanted to know was the total number of tractors in India and the States and the amount spent on their purchase.

The Honourable Shri Jairamdas Doulatram: I am afraid the total has not been struck.

Shri Ramnath Goenka: But the question is about the total number of tractors purchased and the acreage ploughed by them. I cannot understand why an answer to that cannot be given.

Mr. Deputy-Speaker: Order, order. The Honourable Minister has not withheld any information from the House. Instead of giving the total number, he has given the information province-wise. The Honourable Minister may perhaps be able to give the amount spent on the purchase of the tractors.

The Honourable Shri Jairamdas Doulatram: There also I can give the amount spent on tractors with the various provinces and the Centre. But, as I said, the total has not been made up, because the question was not in that form. I have no objection to make up the total and supply it to the Honourable Member.

Prof. N. G. Ranga: Are Government maintaining any engineering section where they are making experiments with regard to the proper working of these various tractors and other machinery?

The Honourable Shri Jairamdas Doulatram: We are maintaining an engineering section in the Agricultural Research Institute where new types of tractors which come are first tried and the provinces are given the results of these trials.

Prof. N. G. Ranga: Has it been strengthened during the last one or two years?

The Honourable Shri Jairamdas Doulatram: I do not think there has been any particular strengthening of it. Perhaps a junior officer may have been appointed recently.

Shri Deshbandhu Gupta: May I know, Sir, with regard to part (b) of my question, as to what is the average output which a tractor should give and what is the average output we have obtained. That is a very simple question.

The Honourable Shri Jairamdas Doulatram: I have given all the details about the various provinces and States in the statement, where the overall percentage has been worked out.

Mr. Deputy-Speaker: The question is pretty clear—the total acreage of land ploughed. What is the good of giving details instead of giving the total number of tractors as also the area ploughed. I would ask the Honourable Minister to give that answer.

The Honourable Shri Jairamdas Doulatram: All the details are in this statement.

Shri Beahbandhu Gupta: The question is not in that form. I just want the total acreage of land ploughed by these tractors—it would be just one figure.

The Honourable Shri Jai ramdas Doulatram: I have no objection to give that figure, but it is not available with me at present. I shall have that figure supplied to the Honourable Member and the whole House.

Mr. Deputy-Speaker: The question hour is unfortunately over.

Shri Deshbandhu Gupta: This question, Sir . . .

Mr. Deputy-Speaker: But, how can the question hour be extended? We will proceed with Private Members' legislative business.

Shri Deshbandhu Gupta: I hope, Sir, the Honourable Minister will accept a short notice question on this subject so that supplementaries can be put, as the subject has not been discussed.

Shri Mahavir Tyagi: We are very anxious, Sir. We are taking big loans for this purpose and we want a full note of the work of the Tractors.

Mr. Deputy-Speaker: How can I ask any Honourable Member to give an assurance in advance?

Shri Deshbandhu Gupta: I request, Sir . . .

Mr. Deputy-Speaker: Order, order. It is open to any Honourable Member having regard to the circumstances to put a short notice question. Then, it will be sent to the Honourable Minister and then it will be considered. Honourable members know fully well the procedure to be adopted.

(b) WRITTEN ANSWERS

STEPPING UP OF FOOD PRODUCTION

***677. Shri Ajit Prasad Jain:** (a) Will the Honourable Minister of Agriculture be pleased to state what progress, if any, has been made in (i) the supply of agricultural implements, (ii) the supply of chemical manure, (iii) encouraging the use of compost manure, and (iv) minor and major irrigation works for stepping up production, since the decision to stop imports at the end of 1951 was taken?

(b) What facilities and concessions, if any, are being given to the agriculturists in obtaining supplies of the items referred to in part (a) above and to what extent are the cultivators availing of those facilities and concessions?

The Honourable Shri Jai ramdas Doulatram: (a) and (b). A statement giving the required information in detail is laid on the Table of the House. (See *Appendix XVII, annexure No. 6.*)

PUSA ROAD COLONY

***678. Sardar Hukam Singh:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state how many of the quarters in the Pusa Road Colony for displaced persons collapsed during the rains and how many have been damaged?

(b) Have these quarters been reconstructed or repaired? If so, at what cost?

(c) Has any enquiry been made to find out what led to this collapse so soon?

(d) Has any action been taken against any person in this connection?

The Honourable Shri N. V. Gadgil: (a) to (d). The attention of the Honourable Member is invited to the answers given to Starred Questions Nos. 108 and 424, answered on the 30th November and the 8th December, 1949 respectively.

ORISSA POSTAL CIRCLE

*479. **Shri Yudhishtir Mishra:** Will the Honourable Minister of Communications be pleased to state when the Orissa Postal Circle was completely separated from Bihar and what steps have been taken to organise the new Circle on a proper and sound basis?

The Honourable Mr. Rafi Ahmad Kidwai: Orders for the formation of an independent Post and Telegraph Circle for Orissa were issued on the 15th September, 1949, and its headquarters have since shifted from Puri to Cuttack. A full fledged Circle for Orissa has thus come into being.

NEW TELEGRAPH OFFICES (ORISSA POSTAL CIRCLE)

*680. **Shri Yudhishtir Mishra:** Will the Honourable Minister of Communications be pleased to state whether Government are aware of the demand of the public for opening telegraph offices at Kantabanji Titilagarh, Nawapara or Khariar Road, Brajaraj Nagar and at some places in the integrated States of Orissa in the Orissa Postal Circle and if so, what steps have so far been taken to meet the public demand?

The Honourable Mr. Rafi Ahmad Kidwai: Yes. Orders for opening a Telegraph Office at Brajaraj Nagar have been issued and orders for opening a Telegraph Office at Kantabanji will be issued as soon as a guarantee against the loss involved in working the office is furnished to the Department. As regards the other places, the matter is under examination by the Director, Posts and Telegraphs, Orissa.

SALOONS FOR RAILWAY OFFICERS (ASSAM RAILWAY)

*681. **Sjt. Kuladhar Chaliha:** (a) Will the Honourable Minister of Railways be pleased to state how many saloons are there at present in the use of officers of the Assam Railway?

(b) What was the number in use in the year 1948?

(c) Have any of the saloons been converted into 3rd class compartments and if so, how many?

The Honourable Shri N. Gopalswami Ayyangar: (a) Forty.

(b) Forty-eight.

(c) None have been converted.

RESTAURANT CARS ON THE RAILWAYS

*682. **Sjt. Kuladhar Chaliha:** Will the Honourable Minister of Railways be pleased to state:

(a) whether the Restaurant Cars of E. I. Railways have been inspected recently by any supervising officer of the Railway;

(b) whether Government are aware that the quality of food served is rapidly deteriorating;

(c) what steps are going to be taken to improve the quality of food, cleanliness, and service in the Restaurant Cars of E. I. Railways; and

(d) whether Government will be pleased to consider the advisability of running 8rd class Restaurant Cars on different Railways of India?

The Honourable Sbri K. Santhanam: (a) Yes.

(b) The quality of foodstuffs supplied has not deteriorated except to the extent to which the general quality of food materials in the country has deteriorated.

(c) Periodical inspections of the Restaurant Cars are conducted at regular intervals by the Railway and, wherever necessary, action is taken to bring about such improvements as may be possible.

(d) So long as seating accommodation continues to be insufficient, it is not possible to run more restaurant cars but the provision of adequate catering facilities at stations is given special attention.

WHEAT FROM U.S.A.

***683. Pandit Mukut Bihari Lal Bhargava** (a) Will the Honourable Minister of Food be pleased to state whether any negotiations are going on with the Government of United States of America for import of one million ton of wheat to build up a reserve at the Centre and if so, is it proposed to import the same on barter basis or cash basis?

(b) How will the devaluation of the rupee in terms of dollar affect this deal?

The Honourable Sbri Jaitramdas Doulatram: (a) and (b). Yes. As the negotiations have not yet concluded, it would not be in the public interest to say anything more on this matter at this stage.

PROCUREMENT OF FOOD GRAINS

***684. Pandit Mukut Bihari Lal Bhargava:** Will the Honourable Minister of Food be pleased to state:

(a) what target is fixed for procurement of food grains in the *Kharif* and *Rabi* crops in different provinces, states and Union of States, and what is the total quantity of food grains actually procured by the different provinces and State Governments in both the crops, and how far the actual procurement or the expected quantity to be procured compare with the target figures;

(b) whether the Government of India have evolved a uniform policy in respect of the procurement of food grains in all the provinces, States or Union of States;

(c) whether it is the policy of the Government to insist on compulsory procurement from both the deficit and the surplus areas, and in which of the provinces, States or State Unions the policy of compulsory procurement is being enforced and with what results;

(d) in which provinces, States or Union of States the policy of imposing a levy on the yield of food grains is being pursued and whether this is being done by the provinces or State Governments concerned on their own initiative and responsibility or is it being done under the direction of the Government of India;

(e) whether Government are aware that the said imposition of compulsory levy and forcible realisation of the same has been and is being resented by

the peasantry concerned and that it has also lead to untoward incidents and if so, in which provinces and States and whether the Government of India intend to revise their policy in respect of such areas?

The Honourable Shri Jairamdas Doulatram: (a) A statement giving the required information is placed on the Table of the House. (See *Appendix XVII, annexure No. 7.*)

(b) to (d). The system of procurement conforms to the local circumstances and is designed to yield best results under those circumstances. The Central Government exercises general powers of direction and superintendence. A note indicating the systems of procurement obtaining in each Province/State is also placed on the Table of the House. (See *Appendix XVII, annexure No. 8.*)

(e) Government are aware that in certain areas the cultivators are opposed to Government procurement but with its policy of maximizing procurement within the country in the coming years, there is no alternative but to procure surplus food grains from the cultivators in a manner which yields best results.

HIRAKUD DAM PROJECT

*685. **Shri Lalabharayan Sahu:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to make a statement about the Hirakud Dam project as regards its progress in different directions?

(b) How many people have been appointed in the Hirakud Dam project?

(c) What is the number of people appointed in higher posts, carrying a pay of Rs. 200 per month and upward?

The Honourable Shri N. V. Gadgil: (a) A note indicating the up-to-date progress on the Hirakud Dam Project is laid on the Table of the House. (See *Appendix XVII, annexure No. 9.*)

(b) The total number of persons appointed on the Hirakud Dam Project is 2131.

(c) The number of persons appointed to posts carrying a pay of Rs. 200 per mensem or more is 57.

WHEAT AND OTHER CEREALS

*686. **Sardar Bhopinder Singh Man:** (a) Will the Honourable Minister of Food be pleased to state whether it is a fact that wheat and other cereals were allowed to rot in open rain in Delhi in the second or the third week of July 1949?

(b) If so, what was the total weight of this wheat and how much of it was spoiled?

(c) Who was responsible for allowing this wheat to rot outside?

(d) Has any inquiry been instituted and if not, why not?

The Honourable Shri Jairamdas Doulatram: (a) In the month of July, 1949, owing to permanent storage accommodation of food grains available with the Delhi Administration proving insufficient due to heavy arrivals of food grains at that time, some quantity were kept in the open for lack of storage space.

(b) About 3,500 bags in all got wet but out of this only 18 bags were seriously damaged.

(c) and (d). Yes, an inquiry was instituted and the finding was that the Director of Civil Supplies of Delhi Province had failed to take serious steps to secure additional accommodation in time.

WHEAT

*687. **Sardar Bhopinder Singh Man:** Will the Honourable Minister of Food be pleased to state if Government have any estimate of the total amount of wheat spoiled during the year 1948-49 while lying in Government stores?

The Honourable Shri Jairamdas Doulatram: 248 tons in Central Government godowns and 655 tons in Provincial Governments' godowns.

TRACTOR CULTIVATION

*688. **Shri V. C. Kesava Rao:** (a) Will the Honourable Minister of Agriculture be pleased to state what is the area under tractor cultivation in India at present?

(b) What is the target figure for such cultivation during 1949-50?

(c) What is the assistance that is being given to private individuals for bringing new areas under cultivation with the help of the tractor?

The Honourable Shri Jairamdas Doulatram: (a) According to the reports received from most of the provinces and states an area of 5,17,957 acres was under tractor cultivation in 1945-50.

(b) 5,78,100.

(c) A statement showing the assistance given by the various Provincial Governments is placed on the Table. (See Appendix XVII, annexure No. 10.)

So far as the Central Government is concerned assistance is being given in the following forms:

- (i) Priority 1(h) for movement of machinery, etc. required for 'Grow More Food' campaign.
- (ii) At the instance of government the Oil Companies have agreed to meet the private individuals requirements of fuel oils for agricultural purposes in full provided the demands are certified as genuine by the District Magistrates.
- (iii) Tractors are allowed to be imported free of duty.

EQUIPMENT FOR RAILWAYS

*689. **Shri V. C. Kesava Rao:** (a) Will the Honourable Minister of Railways be pleased to state what equipment has been purchased from the loan sanctioned by the World Monetary Fund for the development of Railways?

(b) What are the special items for which this loan would be utilised?

The Honourable Shri N. Gopalaswami Ayyangar: (a) and (b). The Honourable Member is presumably referring to the loan of 34 million dollars obtained from the International Bank for Reconstruction and Development for financing partly the purchase of 418 locomotives, 60 boilers and spares for these locos. from the U.S.A. and Canada. By 31st October, 1949, 162 of these locos, had been received in India and another 195 had been shipped.

HIRAKUD DAM PROJECT

*690. **Shri Lakshminarayan Sahu:** Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) whether Government have started any work of rehabilitating the persons whose lands have been acquired for the Hirakud Dam Project;

(b) if the answer to part (a) above be in the affirmative, since when such work was started;

(c) how many acres of cultivable but un-reclaimed land have been reclaimed for re-settlement of persons, whose lands have been acquired or are to be acquired for the Hirakud Dam Project;

(d) out of the area in part (c) above how many acres have been actually made ready for cultivation;

(e) out of the area in part (d) above how many acres have been actually cultivated this year; and

(f) whether the persons whose houses have been acquired have been provided with houses elsewhere?

The Honourable Shri N. V. Gadgil: (a) Yes.

(b) Since February 1949.

(c) 600 acres.

(d) 200 acres.

(e) As no village has so far been displaced, no villagers have come forward to take up cultivation in the reclaimed area. As an experiment about 6 acres have been put under cultivation departmentally.

(f) The question of the villagers taking over other lands has not so far arisen as the villagers continue to cultivate their own land under acquisition. The responsibility for acquisition of land and for resettlement of the displaced population in the case of the Hirakud Dam Project rests with the Government of Orissa. The answers which are being given to this question and Unstarred Questions Nos. 21 to 24 are based on information supplied by that Government. I would, however, suggest that questions of this nature might more profitably be addressed to that Government in future.

BHAKRA AND NANGAL PROJECTS

*691. **Giani Gurmukh Singh Masafir:** Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) when the Bhakra and Nangal projects will be completed; and

(b) what steps Government have taken to expedite it?

The Honourable Shri N. V. Gadgil: (a) According to the programme framed by the East Punjab Government, the projects should be completed by the end of 1955-56. The work on the project may, however, have to be slowed down on account of financial stringency.

(b) All possible assistance has hitherto been rendered and will continue to be rendered to the East Punjab Government. The extent of this assistance will, of course, depend upon the financial situation from time to time.

MANENDRAGARH AND CHIRIMIRI RAILWAY STATIONS

*692. **Shri R. L. Malviya:** (a) Will the Honourable Minister of Railways be pleased to state whether Government are aware that the Railway yards at Manendragarh and Chirimiri Railway stations are heavily congested due to Coal traffic and the public and staff are put to great inconvenience while passing over the lines?

(b) If so, do Government propose to consider the advisability of finalising the construction scheme of an over-bridge at Manendragarh and an overbridge and an approach road at Chirimiri?

(c) How long do Government expect to take for the completion of the scheme?

The Honourable Shri N. Gopalaswami Ayyangar: (a) and (b). Though coal traffic is heavy, there is no congestion in the station yards at Manendragarh and Chirimiri. At Manendragarh the station is sited on the same side as the town and the public do not have to cross the line to any great extent, but the Railway staff whose quarters are situated on the off-side do so to some extent. Since a level crossing exists near the home signal, an over bridge is not considered necessary for the present. At Chirimiri, however, where both the public and the staff have to cross the line to reach the station, the provision of an over bridge and approach road is under consideration.

(c) In view of the difficult steel procurement position, the over bridge at Chirimiri is not expected to be provided before the end of 1951.

RAILWAY BOARD'S OFFICE

*693. **Ch. Ranbir Singh:** Will the Honourable Minister of Railways be pleased to refer to the reply given to my starred question No. 1188 on 18th March 1949 and state when a decision in the matter of fixation of permanent strength of Railway Board's Office will be arrived at?

The Honourable Shri N. Gopalaswami Ayyangar: The question of the fixation of the permanent strength in the Railway Board's Office is associated with the scheme for the reorganisation of the Railway Board's ministerial services. The details of the scheme are under preparation and will be finalised very shortly.

BROAD GAUGE SYSTEM ON THE RAILWAYS

*694. **Pandit Thakar Das Bhargava:** Will the Honourable Minister of Railways be pleased to state whether it is a fact that a proposal is under the consideration of Government to replace the present Metre Gauge line from Delhi to Fazilka via Rewari, Hissar and Bhatinda by Broad Gauge line?

The Honourable Shri N. Gopalaswami Ayyangar: There is no proposal under consideration at present for the conversion of the entire Metre Gauge line from Delhi to Fazilka into Broad Gauge. The question of converting the Delhi-Rewari section was considered recently, but the proposal has since been dropped. The question of dismantling the existing Metre Gauge line between Bhatinda and Kot Kapura and converting the Metre Gauge section between Fazilka and Kot Kapura into Broad Gauge is at present under consideration.

NEW MINES

***695. Dr. Bakhshi Tek Chand:** Will the Honourable Minister of Works, Mines and Power be pleased to state:

- (a) whether it is a fact that oil exists in the area round about Jwala Mukhi (Kangra District, East Punjab);
- (b) whether it is a fact that there are extensive iron ores in Mandi State (now Himachal Pradesh);
- (c) whether it is a fact that coal and sulphur deposits exist in Chamba State (now Himachal Pradesh);
- (d) whether it is a fact that there is a silver mine at Rupi in Kulu Valley;
- (e) if the replies to parts (a) to (d) above be in the affirmative, whether any survey has been made with regard to all or any of these; and
- (f) if so, with what results?

The Honourable Shri N. V. Gadgil: (a) This has not yet been established.

(b) Scattered iron ores do exist there, but no large concentrated masses capable of exploitation on a large scale have so far been located.

(c) A small but unworkable quantity of poor grade coal occurs in the Tertiary rock formation there. No deposits of sulphur have so far been discovered there.

(d) Yes.

(e) Yes, the survey of the areas mentioned in parts (a) and (b) above was carried out during 1948-49 and is still in progress. The area mentioned in part (c) was visited in 1947 and that mentioned in part (d) during 1948-49.

(f) Copies of the reports regarding (a) and (c) are laid on the Table. (*Copy placed in the Library. See Nos. P-42/49 to P-44/49.*)

Reports regarding (b) and (d) are at present under preparation by the Director, Geological Survey of India, and will be placed in the Library of the Legislature as soon as they become available.

DAMAGE TO CROPS IN RAJASTHAN BY PHADKAS

***696. Shri Balwant Sinha Mehta:** (a) Will the Honourable Minister of Agriculture be pleased to state whether it is a fact that the area covering about 32,000 acres of khariff crop, yielding at least one and a half lakhs of maunds worth about Rs. 20 lakhs in a single district of Udaipur in Rajasthan was damaged by Phadka this year?

(b) Is it a fact that Rajasthan Government asked Plant Protection Adviser, Government of India, for help and protection against Phadka on the 30th July, 1949, but the help reached the affected area on the 21st September, 1949 when it was too late?

(c) Has any Technical Officer of Plant Protection calculated the damage to crops?

(d) What measures are being taken to guard against such damage by Phadka in future?

The Honourable Shri Jalramdas Doulatram: (a) Government of India have no precise information regarding the extent of the damage.

(b) The information was received by the Plant Protection Adviser, Government of India, near about the 30th July, 1949, when the pest had already taken a violent form and had attacked the cultivated fields. A Technical Officer, with five dusting machines and some poison, was sent to the infested area on 7th August, 1949, and an Assistant Director on 10th August, 1949. Immediate orders were placed for the supply of more poison and dusting machines. Eight tons of insecticides were despatched from Calcutta on the 10th August and another ten tons from Bombay on the 19th August but their delivery was delayed because the consignments had to be transhipped from broad to metre gauge. Moreover, one consignment intended for Deogarh in Udaipur was wrongly despatched to Deogarh (South India).

(c) No.

(d) The Rajasthan Government has been asked to set up a Plant Protection Organisation. Until this is done, the Government of India's Plant Protection Directorate will render all possible help as soon as information is received.

INSTITUTES FOR TRAINING IN AGRICULTURE

*697. **Shri Randkishore Das:** (a) Will the Honourable Minister of Agriculture be pleased to state the number and names of Institutes for imparting training in Agriculture run by the Government of India in Delhi and outside?

(b) Do Government propose to abolish any of these Institutes as an economy measure and if so, which are they?

The Honourable Shri Jairamdas Doulatram: (a) One. The Central College of agriculture at Delhi.

(b) It is proposed to continue the college for three years.

UNSTARRED QUESTIONS AND ANSWERS

GROW MORE FOOD CAMPAIGN

20. **Shri Upendranath Barman:** Will the Honourable Minister of Agriculture be pleased to state:

(a) the details of loans and grants sanctioned to Provincial Governments and local administrations during the years 1948-49 and 1949-50 for "Grow More Food Campaign";

(b) the subsidies granted to Provinces and States on account of imported foodgrains and procurement bonuses during the same period; and

(c) the total area under cultivation and yield of cereals in the year 1948-49?

The Honourable Shri Jairamdas Doulatram: (a) to (c). Five statements giving the required information are placed on the Table of the House. (See *Appendix XVII, annexure No. 11.*)

On account of the Grow More Food schemes sponsored by various Provincial/State Governments an additional production according to these Governments of 7.28 lakh tons was achieved during the year 1948-49.

RAIYATI LAND IN ORISSA (HIRAKUD DAM PROJECT)

21. Shri Lakshminarayan Sahu: Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) whether it is a fact that in and prior to 1939, market rate for raiyati land in the district of Sambalpur (Orissa) was calculated at 192 (one hundred and ninety two) times the deduced rent;

(b) whether it is a fact that the Government of Orissa have issued a circular to the effect that compensation for raiyati land acquired in the district of Sambalpur for the Hirakud Dam Project should vary between 288 to 500 times the deduced rent of the land;

(c) whether Government have fixed five hundred times the deduced rent as the maximum limit of compensation payable for raiyati land to be acquired for the Hirakud Dam Project;

(d) if the answer to part (c) above be in the affirmative, the reason for fixing such a maximum limit; and

(e) the maximum limit of multiple of deduced rent at which compensation for raiyati land acquired for the Hirakud Dam Project has been paid so far?

The Honourable Shri N. V. Gadgil: (a) Yes. This is reported to have been the normal rate.

(b) to (d). This is a matter for the Government of Orissa who have reported that compensation for land acquired for the Hirakud Project is settled under Section 7 of the Orissa Development of Industries, Irrigation, Agriculture, Capital Construction and Resettlement of Displaced Persons (Land Acquisition) Act, 1948. The minimum compensation payable is the value of land in 1939 plus 50 per cent. to provide for the subsequent increase in price. The compensation so payable is reported to work out 288 times the deduced rent for the lands acquired. Efforts are generally made to fix compensation by mutual agreement.

(e) The maximum compensation paid so far is reported to work out to 374 times the deduced rent. The Government of Orissa have reported that cases of payment at still higher rates are under their consideration.

COMPENSATION FOR FRUIT TREES (C.W.I.N.C.)

22. Shri Lakshminarayan Sahu: Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) whether it is a fact that thousands of fruit-bearing trees in the district of Sambalpur have been cut down or otherwise acquired for the Central Water Power, Irrigation and Navigation Commission;

(b) whether any compensation has been paid for the trees and if so, at what rates;

(c) whether there is any scientific basis for holding that mango, mahua, tamarind and Jammun trees give fruit for eight years only; and

(d) whether there is discontent among the people over the rate of payment of compensation?

The Honourable Shri N. V. Gadgil: (a) Yes. Some fruit trees have been cut for purposes of Hirakud Dam Project of the Government of Orissa.

(b) Yes. Information with regard to the actual rates paid for the trees, has been called for from the Government of Orissa and will be intimated to

(c) The question has been referred to the Government of Orissa and scientific experts; their views will be intimated to the Honourable Member in due course.

(d) The Government of Orissa has reported that majority of the owners are accepting the compensation as fixed by mutual agreement; they therefore think that there is no reason for any discontent on this account.

COMPENSATION FOR LAND (HIRAKUD DAM PROJECT)

23. Shri Lakshminarayan Sahu: Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) the amount of compensation paid for land acquired for the Hirakud Dam Project;

(b) the area in respect of which such compensation has been paid;

(c) the average amount of compensation actually paid per acre of land acquired so far;

(d) whether in one village Jamda one man has been paid three annas only for one decimal of cultivated land acquired from him and another man has been paid six annas only for two decimals of cultivated land; and

(e) whether Government are aware that there is discontent among the people over the rate of compensation offered or paid to them?

The Honourable Shri N. V. Gadgil: (a) Rs. 3,39,121/14/3.

(b) 2,500 acres.

(c) The average price paid for paddy growing land is reported to be Rs. 242 per acre and that for dry land, Rs. 90 per acre.

(d) No.

(e) Government of Orissa have intimated that the compensation paid for the land acquired is fixed by mutual agreement. In view of this, the Provincial Government think there is no reason to believe that there is discontent on this account.

COMPENSATION FOR LAND (HIRAKUD DAM PROJECT)

24. Shri Lakshminarayan Sahu: Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) the area for which compensation for land acquired for the Hirakud Dam Project has been fixed by Government; and

(b) whether it is a fact that for land acquired in the year 1946, the compensation has not been paid or offered as yet and in some cases, compensation has not even been fixed by Government?

The Honourable Shri N. V. Gadgil: (a) About 4,000 acres.

(b) No land was acquired in 1946 for the Hirakud Project.

Friday
16th December, 1949

**THE CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE) DEBATES**

**(PART II—PROCEEDINGS OTHER THAN QUESTIONS
AND ANSWERS)**

Official Report

Volume VI, 1949

(28th November to 17th December, 1949)

Sixth Session
of the
CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
1949



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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)
Friday, 16th December, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Deputy-Speaker (Shri M. Anantbasayanam Ayyangar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-46 A.M.

INDIAN JUDICIAL PROCEDURE BILL

Pandit Thakur Das Bhargava (East Punjab: General): Sir, I beg to move:

"That leave be granted to withdraw the Bill to clarify and modify the law in practice hitherto followed in Criminal applications for special leave to appeal to His Majesty in Council for Criminal cases decided by the Indian Courts, as reported by the Select Committee."

Mr. Deputy-Speaker: The question is:

"That leave be granted to withdraw the Bill to clarify and modify the law in practice hitherto followed in Criminal applications for special leave to appeal to His Majesty in Council for Criminal cases decided by the Indian Courts, as reported by the Select Committee."

The motion was adopted.

WORKERS' PROVIDENT FUND BILL

Shri B. K. Sidhva (C.P. and Berar: General): Sir, I beg to move:

"That the Bill to provide for the establishment and grant of Provident Fund to certain classes of workers by their employers be referred to a Select Committee consisting of the hon. Shri Jagjivan Ram, Shri M. Anantbasayanam Ayyangar, Shri Khandubhai K. Desai, Shri Mohan Lal Gautam, Prof. N. G. Ranga, Shrimati O. Durgabai, Shrimati Beneka Ray, Shri Batis Chandra Samanta, Shri H. V. Kamath, Prof. K. T. Shah, Sgt. Kuladbar Chaliha, Shri Sitaran S. Jajoo, Sardar Suchet Singh, Shri Raj Bahadur, Ch. Ranbir Singh, Mr. Naziruddin Ahmad, Pandit Thakur Das Bhargava and the Mover, with instructions to report on or before the last day of the first week of the Budget Session, 1950, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, this is a Bill which was moved by me in the First Reading on 11th February 1949. I moved that the Bill be sent to a Select Committee. But, at the instance of the Government, the hon. the Minister stated that the Bill be circulated for the purpose of eliciting public opinion by 30th June 1949. The Bill has been sent for eliciting public opinion. Many opinions have been received. Before giving you the result of these opinions, I would only give a brief history of this Bill which was moved in the last session.

Sir, the principle of this Bill has been accepted by this House and this Bill envisages that all workers who draw a salary of over Rs. 20 should be entitled

100 L.A.D.

[Shri R. K. Sidhva]

to a provident fund from his contribution as well as contribution from the employers. From experience, it has been seen, Sir, that the Pension Fund is not so advantageous to the employees as is the Provident Fund. Generally speaking, after retirement, the employee enjoys the Pension Fund only for five or six years, whereas he gets a better advantage from the Provident Fund. He makes a certain provision for his family after his retirement. As I stated in the last session when I moved this Bill, there is a Provident Fund Act of 1923; but its scope is very limited. It does not enable every one to take advantage of this Act. From that point of view, I have brought in this Bill.

Sir, it is an established fact that a Provident Fund should be introduced in all establishments and the Government have also accepted that policy. There is a restriction and discrimination. Only certain employees get the benefit of this Provident Fund and not all. It is therefore desirable that all the employees should get the benefit of this scheme. In all modern countries and civilised countries, this Provident Fund has been introduced. In all private and Government establishments and offices this Provident Fund Act must be extended. I want this Act to be introduced even to all Trusts including Societies, Charitable Institutions, Factories, Shops, residential hotels, restaurants, places of entertainments, commercial firms, docks, jetties, tramways and Bus workers. It is very essential that these men who are working in the commercial establishments, and who have no advantage of any kind of Provident Fund should be enabled to have a Provident Fund. I ask, Sir, is it fair that these men who toil for a number of years, 30 or 35 years, should not get any benefit or advantage after retirement. As I stated before, it is therefore a recognised policy of all civilised Governments that there should be a measure enacted for the benefit of this class of people, which does not exist in this country. It is also felt that if there is a Provident Fund, the relations between the employee and the employer will be cordial. It is very necessary that the workers should have a living house and some kind of provision after retirement. The employee says, I am prepared to pay; let the employers also pay something towards the fund. Not only that; he is making a saving for himself; it is the country's savings; it is a national savings. The amount that would be accumulated will be invested in Government gilt edged securities. From this point of view, it is not only a benefit to the employers and employees, it is a benefit to the State. From this point of view also, I feel that nobody should object to such a measure. I was very glad, Sir, that in the last session, the House accepted the principle and sent it for eliciting public opinion.

I shall now give a synopsis of the various opinions received from the various provinces. One hundred and sixteen opinions have been received: 90 for, 21 against; five of the provincial Governments have stated that it should be a Government measure. Almost all provincial Governments have stated that the measure is desirable; they have stated that instead of this being a Private Member's Bill, it should be a Government Bill.

Sir, out of 90 opinions received, 20 have come from the United Provinces. The United Provinces Government have stated that this should be a Government Bill. Four have opposed this Bill. I will not go into the details, because all these opinions have been circulated to the hon. Members. I would only refer to some of the opinions. Some have said that the Bill must be accepted, but there should be certain modifications. Various institutions either of workers or of employers, or of Government officials have suggested various amendments to this Bill. Most of them, or rather I should say, all, have accepted the principle of the Bill and there is no question about it. I do feel that there is some justification for amending this Bill and therefore I have proposed a reference to a Select Committee. Some Workers' Unions have suggested

even further than what I have stated. They have stated 'why have you restricted to Rs. 20 only? It should be applicable to everyone. A man drawing Rs. 10 why should he be deprived of this Provident Fund.' I only bring it to the notice of you, Sir, and the hon. House that the workers are anxious not only that the Provident Fund should be deducted from persons drawing Rs. 20 and over but even from persons drawing salaries under Rs. 20. You can see the anxiety of the workers that despite their small salaries they are prepared to pay from their pocket certain amount for reserving towards their Provident Fund for their future benefit. From this point of view the House will see what great necessity this Bill is to be enacted into an Act.

Then from Bombay 8 are in favour—the Government have preferred that it should be a Government Bill—6 are against. The Bombay Trade Union Congress has stated that it should be extended to employees drawing Rs. 20 and under. C.P. is 1:1. Bengal 6 in favour and 5 against. Bengal Government also feel that it should be a Government measure and they feel that there are small factories and it is just possible that in small factories there will be great difficulty and therefore small factories should be excluded from the provisions of this Bill. Assam Government says it is a wholesome measure and should be enacted. Madras 10 are in favour, 2 against. Advocate-General says 'Should be extended to Madras—it is a good measure'. Tamil Nad Congress Committee says 'It is a wholesome measure, should be extended to Plantation.' They say 'They are suggestions worthy of consideration'. Bar Council of Madras say that they are entirely in favour of this bill. In Punjab 2 are in favour and they recommend the extension to the trade employees also. That means some of the small commercial establishments which I may have omitted in my Bill. I only want to draw the attention of the hon. Minister in charge of this Portfolio to realize how the workers are keen and some have suggested that it should be a Government measure. I would like to know what are their views about this?

Then the Chief Commissioner of Andaman and Nicobar says, 'it is a laudable

The Honourable Shri Jagjivan Ram (Minister of Labour): Is there any labour there?

Shri R. K. Sidhva: I will give it to you. The Chief Commissioner of Ajmer-Merwara says 'this must be introduced'. Bar Association says 'Bill is in the right direction'. Labour Officer says 'Desirable and necessary'. What more do you want, I ask the hon. Minister? I am coming to his own province of Bihar. I am very glad to say his province has given a very encouraging reply, compared with all other provinces. 15 have stated for. Government says—'It should be a Government Bill.' Two have stated that they are 'not in favour'. Tin Plates of India Ltd.—it is a manufacturer remember—says—'For the sake of industrial peace in the country, this Bill must be passed and is welcome'. He realizes—this man is the real employer who knows the situation—that if this Bill is passed, his industry will always work satisfactorily. He realizes that—which others do not. The Deputy Collector of Hazaribagh says 'Bill is a step in the right direction and will remove a long-felt want.' Provincial Motor Workers Union, Bihar, says 'I like the bill' the President of it says 'it should come into force immediately.' Tata Workers Union, Jamshedpur says 'As I find the scheme is better, I have nothing more to say.' The District Magistrate, Patna, says—'This enactment is essential for the betterment of employers and employees and their families.' This is the opinion of my friend the hon. Mr. Jagjivan Ram's own constituency, whom he has the honour to represent and the whole of India's

[Shri R. K. Sidhva]

labour which he has the honour to represent in this Country. Coorg District Magistrate says 'Absolutely in favour of it'. Orissa—there are six opinions in favour.

Revenue Commissioner says—'He is entirely in favour'. District Magistrate, Cuttack is entirely in favour. District Magistrate, Balasore, is entirely in favour. Then there are 6 individual opinions who are interested in the welfare of the workers who have also expressed their opinion in favour of the Bill and also stated that it should be extended to other classes for which the Bill does not provide. From this you will be pleased to observe the opinion for this Bill in the country. I am very glad that this Bill was sent for public opinion. The hon. Minister has seen what is the opinion of the people. No doubt many have suggested modifications. I don't claim to be a good draftsman—I am not a draftsman. I have prepared this Bill to the best of my ability, it may be defective and I don't dispute that. There are some good suggestions made by various people. I am glad it has gone to the public and they have given their suggestion. Therefore I feel that a measure of this kind, the principle of which has been accepted by this House in the last Session, should go to a Select Committee who may curtail or expand it—whatever it thinks fit in the interest of this country. I might quote this—on behalf of Government—what the hon. Minister of State stated when I pressed this Bill for sending it to Select Committee. The hon. Shri Setyanarayan Sinha said:

"Sir I move: 'That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June 1949'."

He further said:

"I am glad to inform the House that the Government has already, as an experimental measure, introduced the system in one of the very big labour areas and the Government is anxiously watching its result. It is quite likely that the Government itself may sponsor a Bill of this nature in the next session. In view of this, I would request my hon. friend Mr. Sidhva to agree to my amendment. He has to agree formally. On behalf of the Government, I can assure the House that the Government has gone into question and as I have said, it is quite likely that the Government itself will bring a Bill of this nature in the next session."

This next session should have met ordinarily in the month of August but as we already knew we were so busy with the framing of the Constitution that we could not meet in August. Though the Government have made a promise, there is no Bill introduced in this session as promised by the hon. Minister of State. Therefore I had been compelled to move this motion for referring it to Select Committee again. If the hon. Minister states even now that the Government are going to bring the measure, I have certainly no objection but I want a statement of that kind from the hon. Minister. Does the Government want to go back upon the statement of the hon. Minister of State on behalf of the Government as I read out from the proceedings? But for the request of the Minister of State then, and my acceptance of his suggestion to refer for public opinion the house would have passed it then. Even if the Bill is not presented in this session if the House has any kind of assurance that the Provident Fund Bill is going to be sponsored by Government, I shall certainly have no objection in withdrawing my motion but I want a kind of assurance because I do not want to mislead the public after inviting public opinion. I do not want the public to misunderstand my Government that we were at one time of this view and at another time of a different view. On the contrary to increase the prestige of the Government I do desire that while the principle is accepted, something substantial must come from Government and if the Government says so, I will have no objection to withdraw my motion for sending it to Select Committee. I move, Sir.

Mr. Deputy-Speaker: I need not formally put it to the House. May I know the reaction of the Minister?

The Honourable Shri Jagjivan Ram: Sir I am glad that my friend Mr. Sidhva has made a very good offer. I would have been more glad if he had not moved this motion at all.

Shri R. K. Sidhva: How it would have looked to people if I had not moved it?

The Honourable Shri Jagjivan Ram: I do not propose at this stage to examine the merits and demerits of the Bill, of my friend Mr. Sidhva. Of course I can assure the House that Government stand by the assurance given by the Minister of State at the time when the motion for circulation of the Bill was made.

As Mr. Sidhva has himself dealt with the various opinions, I do not propose to do that. But one thing has been very clear from what he has stated, that there is more or less, unanimous support so far as the provision of provident fund for workers is concerned. Many of those who have expressed any opinion on this Bill have clearly stated that there should be some provision for provident fund for the workers. The attitude of the Government, as has been indicated on more than one occasion, is that we ourselves also feel that we should make some provision for granting provident funds for the employees, not only in industrial undertakings, but also in commercial and other establishments. But before we introduce any legislation in this respect, the whole question has to be very carefully examined from different points of view, and the most important of them being the actuarial examination of the whole question. That we are going to do.

On the last occasion I had indicated to my friend Mr. Sidhva—I am not sure whether it was in this House or somewhere else—that we are ourselves anxious to introduce a Bill to this effect. But one should not ignore the economic condition that the country is facing to-day. To-day, Sir, we are faced with largescale retrenchment, and the primary concern of the government either in the Centre or in the Provinces, has been how to check large-scale retrenchment and how to minimise the miseries and hardships workers are put to when unemployed. So in the near future, before we can embark upon any scheme of large-scale provident fund, we will be concentrating our attention towards minimising the effect of largescale unemployment. But this does not mean that I am trying to shelve this issue. As I have stated, I am myself very anxious that some provision should be made for the workers by their old-age, and so long as the economy of the country does not permit the introduction of unemployment and old-age benefits, this has got to be provided with by the introduction of provident fund. Sir, I do not want to dilate upon this subject. I can give the assurance to my friend and to the House, Sir, that during the course of the next year, some time in 1959, Government will try to bring in a comprehensive measure for the introduction of provident fund for all categories of employees, and the scheme will be such that it will embrace also the smaller units. By the introduction of a provident fund scheme on an industry-cum-regional basis, the employees in smaller units which by themselves may not be able to maintain or undertake the administrative expenditure necessary for the maintenance of provident fund schemes in those units may not be deprived of the benefits of provident fund. I hope, Sir, my friend Mr. Sidhva will be pleased to withdraw his Bill and give the Government the opportunity of bringing in a comprehensive measure in this respect.

Shri R. K. Sidhva: Sir, in view of the assurance of the hon. Minister I beg leave of the House to withdraw.

Mr. Deputy-Speaker: Do you withdraw the Bill itself?

Shri R. K. Sidhva: Yes, Sir.

Mr. Deputy-Speaker: Has the hon. Member leave of the House to withdraw the Bill?

The Bill was, by leave of the Assembly, withdrawn.

PREVENTION OF FREE OR FORCED OR COMPULSORY LABOUR BILL.

Shri B. K. Sidhva (C.P. and Berar: General): Sir, I beg to move:

"That the Bill to provide punishment for free or forced or compulsory labour, be referred to a Select Committee consisting of the hon. Shri Jagjivan Ram, Shri A. V. Thakkar, Shrimati Purnima Banerji, Dr. V. Subramaniam, Shrimati Arjuna Swaminadham, Prof. Shibban Lal Sakseena, Mr. Jasmuddin Ahmed, Shri S. V. Krishnamoorthy Rao, Shri B. Das, Shri Satis Chandra Sasmanta, Shri Mahavir Tyagi, Shri Harihar Nath Shastri, Dr. Mono Mohon Das, Shri Uppendranath Barman and the Mover, with instructions to report on or before the last day of the first week of the Budget Session, 1950, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, this Bill also was moved by me at the same time, immediately after I moved the Provident Fund Bill, and it was also circulated for public opinion; and before I come to give you the report of what the public opinion is, I may say that everybody accepts that free or forced or compulsory labour without payment of money should be stopped as it is a disgrace to society. It has been admitted so in the International Labour Conference in 1930, and it was admitted by this Government also which was a party to that conference. Article 1 passed at that Conference said that each member of the International Labour Organisation which ratifies the present convention should undertake to suppress the use of forced or compulsory labour in all its forms. It further stated:

"Where such forced or compulsory labour for the benefit of private individuals, companies, or other entities than the community exists at the date on which a Member's ratification of the present convention is registered by the Secretary-General of the League of Nations such forced or compulsory labour shall be completely suppressed within a period of three years from the said date of registration of ratification."

There is no doubt that our Government was a member of the League of Nations and it was bound to abolish forced labour. Sir, I will not go into the details of this Bill or state what happened during the last session. I need only say that Member after Member spoke on this Bill and expressed his strong resentment at the continuance of forced or compulsory labour. In all five Members took part and not a single one of them opposed this Bill or even stated that it should be sent for public opinion. But the hon. Minister of State again intervened and appealed to me, but he was confronted by the hon. House which said, "No, this Bill must be passed." Then at the request of the Government I was obliged again to send this Bill for public opinion, such was the strength of opinion on this measure. I need not enter into the details of the discussions that took place then, but I will read out only two paragraphs from the speech made by Shri A. V. Thakkar, I mean Thakkar Bapa. He, as we know, Sir, is an expert on this subject, and he has also travelled all over the country and seen conditions of forced labour himself. I shall read only a few paragraphs just to refresh the memory of the House, and also for the benefit of the hon. Minister for Labour who was not present on that occasion.

Shri Brajeshwar Prasad (Bihar: General): On a point of order, Sir, where is the necessity for this Bill, when the Constitution has already banned forced labour?

Shri B. K. Sidhva: I am coming to that; please be patient a bit. I know you get up often, even when there is no point of order.

Sir, the Indian Penal Code does not permit anybody to employ free or forced or compulsory labour, but see what Thakkar Bapa says: This is what Thakkar Bapa said on that occasion:

"Sir, I rise to support the Bill introduced by my friend the hon. Member Shri Sidhva. Section 374 of the Indian Penal Code exists for the last 89 years since it was enacted in 1860. I am sorry that that section has remained a dead letter, as mentioned by Shri Sidhva. There has been only one case of offence under that Act and I believe it will remain a dead letter until something very substantial is done to mend the state of things. Those who move in villages, those who go round in the country side can observe this for themselves. This *begar* will not be seen in cities and towns. It cannot be seen by the people moving in high societies: it will be seen by people who go round the villages and go round even the taksil towns and see things for themselves as social workers. (Prof. N. G. Ranga: "In the hills and the jungles.") Yes, in the hills and the jungles as my friend the hon. Member Prof. Ranga reminds me. In the hills and jungles I have observed it myself since the year 1920, since when I was working in the Bhil country in Gujerat. I know of a friend who had undertaken the opposition to this kind of *begar* by observing it himself and taking the lead from the head of a Bhil and putting it on his head in order to make any exhibition of it—a sort of small *satyagraha*. That was what he did in order to bring it to the notice of the public.

"Another thing which I wish to say is that I do not understand why the Government should delay this matter as we have heard from the Honourable Minister Shri Satyanarayan Sinha, the Chief Whip. I would like the Honourable Shri Sinha to say who is this special officer who is going round the whole country in order to get evidence and give a report to the Government of India. I would like to be in touch with him. As a friendly measure I would like and see what he has been able to do and what evidence he has been able to collect."

He has used still stronger language further but I do not want to take up the time of the House with it. I only want to impress upon the hon. Minister what the feeling of the House was at that time. I will state for the benefit of the House the names of some of the hon. Members who spoke on the occasion—Shri H. V. Kamath, Thakur Bapa (whom I have just mentioned), Dr. Ambedkar (who giving his views as a Minister said that he wanted to bring forward the Bill but at that time the Government did not endorse his views and therefore it was held over), the Deputy-Speaker and several others.

This is the gist of this Bill. I do not want to go into details because I know the House is more in sympathy with the Bill than myself and there is no necessity to make an appeal to the House.

Sir, I know the hon. Minister's attention has been drawn to section 23 of the Constitution, which comes into force on the 26th January, 1950. Article 23 reads;

"Traffic in human beings and *begar* and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law."

Although this article has been passed and the Constitution will come into force on the 26th January 1950, it is the bounden duty of the Government to enact a law beforehand to see that the provisions of this article are strictly followed. After the 26th January this becomes a fundamental right. When forced labour is employed the man concerned will go to the supreme court and tell the court that he has been employed on forced labour without being paid anything for it. What will be the position if there is no Act. If there is an Act, the penalty clause will be there. I therefore feel that this Bill is necessary and should be passed into an Act.

Here I would like to quote what the hon. Minister said on behalf of the Government, in the last session:

"Mr. Speaker, Sir, I have nothing more to add to what I have said while moving the amendment, but I can assure again this House that there is no intention on the part of the Government to shelve this Bill as remarked by one hon. Member. I have accepted the amendment of Shri Sidhva to my amendment that the date should be reduced to the 30th of June."

[Shri R. K. Sidhva]

The hon. Minister of State had suggested September and I proposed the 30th of June. The feeling of the House was that it should be earlier and the hon. Minister on behalf of the Government accepted the date I had suggested, which only shows how strongly the House felt on the matter.

As regards the appointment of a committee of the House the feeling of the House was that there should be a committee on the matter and not an officer. Thakkar Bapa also suggested it. On this the hon. Minister said:

"As regards the appointment of a committee, I think the Government will consider it—and this is all that I can say now and most likely a committee will be appointed. What will be the composition of the Committee, I cannot tell you here, but certainly the non-officials will be associated with that Committee. I will again appeal to the Mover, he has already accepted my amendment, but there are other friends who are more loyal than the King and I think they should not stand in the way of the Mover accepting the amendment which I have moved."

The hon. Minister of State says that there are other Members coming in my way. That shows how keen they were to have the Bill passed and he is appealing to me to accept his amendment. I accepted his word but where is the committee which he promised? 30th of June has passed and no committee is as yet appointed on behalf of the Government. Am I not therefore justified in bringing this measure to draw the attention of the hon. Minister to his statement regarding the appointment of the committee? If he wants me to withdraw the Bill on the ground that he proposes to bring in a comprehensive Bill he must tell the public for the sake of the prestige of the Government. On such an important and substantial measure like this with which every body is in sympathy I cannot say at the outset that I withdraw it. If the hon. Minister says that he is going to bring a measure with regard to this I will withdraw the motion.

I would request my hon. friend Mr. Satyanarayan Sinha to remember what he said about the appointment of a committee. He has not yet appointed the committee. I do not know whether it will come into existence or not. It was the decision of the House that a committee should be appointed. They did not want an officer roaming somewhere. That was also the desire of Thakkar Bapa who has thirty years experience in this matter. I therefore suggest that if the Government is going to bring a comprehensive Bill I will certainly withdraw my Bill with the permission of the House and you, Sir. At the same time I would suggest that those who are interested in the matter should be taken into confidence before the measure is moved or the committee appointed.

The Honourable Shri Jagjivan Ram (Minister of Labour): Sir, I just want to give a brief history of what the Labour Ministry has been doing in this matter.

The question regarding investigations into the existence of forced labour was initiated by my predecessor, the hon. Dr. Ambedkar. His idea was to have an enquiry committee, which will tour round the country and submit its report and then to take such legislative or administrative action as may be necessary in the light of the report of that enquiry committee.

When I assumed charge of office I also took up that question. When the question of setting up an enquiry committee was under examination or rather the final decision was taken on it, as the House is aware, the partition of the country came about and conditions in the country became unsettled. After 1947 I again took up this question and I thought that as the incidence of forced labour in the Indian States was more than it was in the provinces it would be better to include the States also within the scope of the enquiry. But the question of the unsettled condition of the States was taken into consideration and it was thought that it would not be wise to start an enquiry

either in the States or in the provinces in the unsettled condition of the country. Therefore the idea of a Committee was postponed. But I thought that as the matter was very urgent the whole question should not be postponed and some action in the matter was necessary. So a Special Officer was appointed, not for the purpose of going round the country but for the purpose of examining the existing legislation, both Central and provincial, in this regard and to suggest such amendments as were called for, for doing away with forced or compulsory labour wherever it has been permitted by legislation. That Officer examined a mass of literature and legislation and he has submitted his report. After we received the report of the Special Officer we thought that the appointment of a Committee will unnecessarily delay the matter, because on the basis of the material that we have received from the Special Officer it is clear to us that forced labour is prevalent in the country. It is also clear to us that mere legislation is not going to eradicate this evil. A strong social consciousness among the people from whom forced labour is taken and also among the people who take the forced labour is necessary before the evil can be totally eradicated. By the way, Sir, I can mention that there are various pieces of legislation already existing in the Provinces which ban the taking of forced or compulsory labour. But the experience of any social worker or of any person who has worked in the rural areas is that in spite of the existence of these Acts forced labour is rampant. So, the mere enactment of a law is not going to eradicate forced labour. But apart from that, in the light of the report that we have received from the Special Officer, we have already taken up with the Provincial and State Governments concerned the question of amendment or repeal of such legislation as permits the compulsory or forced labour. That is one action which we have already taken.

The second point is that forced labour in different shapes and forms is prevalent in various parts of the country. Some of them have legal sanction. But the forced labour differs in form and shape in different parts of the country. As the House is aware, we have started an inquiry to investigate into the condition of the agricultural labour, and in that inquiry we are collecting details about the extent of forced labour in rural areas. We hope to complete this Inquiry during the course of the next year and then we will get some reliable and detailed data about the extent of the prevalence of forced labour in the rural areas. In the light of that material we will be in a position to decide whether some legislative action will be necessary or whether by administrative action these defects can be removed. Of course the Constitution has provided that the exaction of forced labour will be illegal. But as I have already said the mere enactment of a law is not going to eradicate forced labour. And so the simple provision in the Constitution itself is not going to eradicate forced labour. Mr. Sidhva says that anybody can approach the Supreme Court for redress. But the people from whom forced labour is taken are not in a position to approach even the police stations. How can they afford to go to the Supreme Court? Had they been in a position to approach even the police court (Shri R. K. Sidhva: Their consciousness has now risen) and make their voice effective there, I think this forced labour would have been a thing of the past. But what is required today is not a simple provision in the Constitution, not an enactment, but social consciousness—a consciousness among the people not to submit to forced labour at any cost. I can assure hon. Members of this House that if legislation is necessary I will bring it, not to oblige anybody but to oblige myself. And I can assure my friend Mr. Sidhva that I am not less enthusiastic in this matter than anybody else. But I am afraid the present Bill is not going to solve the problem. Therefore I am assuring him that as soon as the Agricultural Labour Inquiry is over and as soon as we are in possession of the materials we will take such action as will be deemed necessary in the light of those materials. I hope, Sir, my friend Mr. Sidhva will withdraw the Bill.

Shri T. A. Ramalingam Chettiar (Madras: General): But under the Constitution some penalty will have to be imposed by law.

Shri H. J. Khandekar (C.P. and Berar: General): On a point of information, Sir. The hon. Minister has made a reference to the Special Officer for Forced Labour. May I know from him whether this gentleman who has been appointed as the Special Officer for Forced Labour is an experienced man or has he been appointed simply because he belongs to a particular community?

The Honourable Shri Jagjivan Ram: There is no Special Officer at present. The Special Officer was appointed for six months only in the first instance. After he submitted his report his post has ceased to exist.

Shri H. J. Khandekar: Whether he is in office today or not, when he was appointed was he appointed as an expert in labour problems or was he appointed because he belonged to a particular community or caste?

The Honourable Shri Jagjivan Ram: Sir, I refute this insinuation. The officer was asked for from the C. P. Government and they gave us this gentleman who possessed the necessary experience and qualification in that respect. The report submitted by him has proved that he was eminently suited for the work.

Shri H. J. Khandekar: Were there other names received from the C. P. Government?

Mr. Deputy-Speaker: The hon. Member asked for some information and it has been given. There is no use in pursuing this matter, and there should be no insinuations.

Seth Govind Das (C.P. and Berar: General): If the hon. Member is willing to withdraw the Bill then let the discussion be stopped, Sir.

Mr. Deputy-Speaker: I am aware of it. The hon. Minister has made a statement. The hon. Member said that if a reasonable assurance is given he is prepared to withdraw it. But the House as a whole is interested in this matter. So if one or two points of clarification are raised I will allow them, but it is not intended that there should be a general debate upon a Bill which is sought to be withdrawn.

Shri T. A. Ramalingam Chettiar: Under the Constitution some penalty will have to be imposed by law. What is the Government going to do about it?

The Honourable Shri Jagjivan Ram: It will be examined and all necessary action will be taken.

Prof. N. G. Ranga (Madras: General): Sir, I am glad this question has again come up for discussion in this House.

Mr. Deputy-Speaker: May I interrupt the hon. Member? The hon. Member just made a motion for reference of the Bill to Select Committee. Incidentally he also said that if the hon. Minister would bring a piece of legislation of this kind himself and give an assurance to that effect he will withdraw not only his motion for referring the Bill to Select Committee but the Bill itself. Now the hon. Minister has given the assurance.

Prof. N. G. Ranga: Then I have nothing more to say.

Shri Sarangdhar Das (Orissa States): May I know if the hon. Minister of Labour is aware of the fact that in certain billy districts in Orissa and Bengal, roadbuilding is done by forced labour on payment of a smaller amount than is done in the plains?

Mr. Deputy-Speaker: He has said that he is aware that forced labour exists in various parts of the country.

Shri Sarangdhar Das: But my point was that the Government itself.....

Mr. Deputy-Speaker: Government knows that there is forced labour, and that is why the provision has been introduced in the Constitution. As to when steps have to be taken and in what form, all that will be considered by Government.

The Honourable Shri Jagjivan Ram: May I give a reply to that question? We are aware that under various pieces of legislation forced labour is permitted. That is why I have stated that we have already taken up this question with the Provincial and States Governments concerned to amend or repeal those provisions or those Acts.

Shri A. V. Thakkar: rose—

Mr. Deputy-Speaker: If the hon. Member wants to make a speech it is not appropriate, but if he wants to ask for any information he can do that.

Shri A. V. Thakkar (Saurashtra): Sir, I will ask for some information from the Labour Minister. Section 374 of the Indian Penal Code has existed for the last 89 years. May I know from the Labour Minister for how many years longer will that section or any other legislation made in its place will stand on the Statute Book before forced labour is really done away with in this country of India? That is my first question.

Another question is this. I agree with the Labour Minister in observing that any Act of Parliament will not do away with forced labour, but it is only a Committee of this Parliament going round the country that will awaken public sentiments and public feelings and public sense of morality. Therefore, just as Mahatma Gandhi went about the country for twelve months—to be correct for nine months—and awakened the consciousness of the country against untouchability, so this Committee suggested by Mr. Sidhva should go round the country and awaken the moral conscience of the people. Otherwise the thing will never be done by legislation.

Mr. Deputy-Speaker: I am sure the hon. Minister will take all these matters into consideration and will take effective steps. The question is:

Some Honourable Members: Sir, he doesn't press the motion.

Shri B. K. Sidhva: Sir, I don't desire to put this motion to vote. I stick to what I stated earlier. The Honourable Minister has given an assurance, though it is hanging, that the social workers should do all this. I don't want to answer him, but it is unfair to the social service workers that they should be asked to do it. My friend has also stated that an Act is necessary. In view of the assurance that he has given that he will bring forward a Bill, I don't press this motion.

Mr. Deputy-Speaker: I have not put his motion for reference to Select Committee to the House because he does not want it, but so far as the Bill is concerned he would like to withdraw it. Has the hon. Member leave of the House to withdraw the Bill?

The Bill was, by leave of the Assembly, withdrawn.

INDIAN CATTLE PRESERVATION BILL

Seth Govind Das (C. P. and Berar: General): Sir, I move:

"That the Bill to preserve the milch and draught cattle of the country, be taken into consideration."

The Honourable Dr. B. R. Ambedkar (Minister of Law): Sir, I would like to rise to a point of order. I think this Bill is *ultra vires*. Looking at the Statement of Objects and Reasons, the hon. Member has stated two objects which underlie this Bill. One is meeting the needs of the cattle, and the second is to increase the supply of milk.

Now, examining these objects of the Bill in the light of the different entries which regulate the legislative authority of the Central Legislature as well as the Provincial Legislature, there cannot be the slightest doubt that this Bill entirely falls within the purview of the Provincial Legislature. The first object which is to meet the needs of the cattle, in my judgment, is covered by entry 20 in List II. His second object, *viz.* the increase of supply of milk, also falls within entry 29 of List II. If one were to take a different view more liberal than the one which he has taken, of the objects of the Bill and assume that the object of the Bill is the supply of milk as part of public health, then again I submit that the Bill will fall within entry 14 of List II of the Legislative List.

The Bill also has one more object namely to create any deviation from the law which he proposes to make, an offence. That also would fall within entry 37 of List II.

Having regard, therefore, to all these entries, there can be no doubt that this Bill will be *ultra vires* of the Central Legislature, and I therefore suggest to my friend that it would be better to withdraw this Bill from the Legislature or it be ruled out of order.

Seth Govind Das: May I know why if the hon. Minister thinks that the Bill is out of order he did not raise this point when the Bill was introduced?

The Honourable Dr. B. R. Ambedkar: That is a very simple question.

Seth Govind Das: Is it not a fact that many Bills which relate to provincial subjects are introduced in this Legislature?

The Honourable Dr. B. R. Ambedkar: It cannot be.

Seth Govind Das: There is the Department of Agriculture, here, there is the Department of Health. May I know from the Agriculture Minister as to what is going to be done as far as the Centrally Administered Areas are concerned? Is he going to bring in any Bill with respect to this subject so far as these areas are concerned?

Shri L. Krishnaswami Bharathi (Madras: General): This Bill is not confined to those areas—it covers the whole country.

Seth Govind Das: I want to know as far as these areas are concerned what he is going to do.

Pandit Thakur Das Bhargava (East Punjab: General): Sir, in regard to the question of whether the Bill is *ultra vires*, reference has been made to the Statement of Objects and Reasons. My humble submission is that the Statement of Objects and Reasons alone does not furnish the only basis for considering whether the Bill is *ultra vires* or *intra vires*. In fact, if we look to the body of the Bill, it seeks to create an offence of the nature which is to be found in the Indian Penal Code. Under the Penal Code, maiming or killing of certain animals of the value of Rs. 50 or more is a criminal offence and

therefore it is not free from doubt whether these entries which have been referred to by Dr. Ambedkar will apply to the case or not. These entries have special reference to provincial subjects I know, but at the same time if this Bill is considered to be one which creates an offence then my humble submission is that the Provincial as well as the Central Legislature have both got jurisdiction in regard to criminal matters. For instance, entry 1 of List II relates to such criminal offences and if those criminal offences are such as are included in the Indian Penal Code, then my humble submission is that it cannot be said absolutely that this is barred. It is a doubtful matter.

Seth Govind Das: Sir, the hon. Agriculture Minister was going to say something.

The Honourable Dr. B. R. Ambedkar: He is not concerned.

Mr. Deputy-Speaker: The hon. Member wants the hon. Agriculture Minister to reinforce his argument. So far as this particular point is concerned, it has been ruled on more than one occasion. It is not open to the Chair to enter into this vexed question. As a matter of fact, I may refer to a decision reported on page 32 of the "Decisions from the Chair":

"During the discussion on the Multi-Unit Co-operative Societies Bill, Mr. K. C. Neogy raised a point of order as to the jurisdiction of the Legislative Assembly on subjects mentioned in the Federal and Provincial Legislative lists in the Government of India Act, 1935, whereupon the President observed :

".....A point of order, generally speaking, relates to matters which concern the proper conduct of the proceedings of the House. The question whether the Assembly is competent to entertain a certain proposal for legislation is of great importance, and in my opinion, it is for the House to come to a conclusion on that point, as well as other points submitted to the House on the question whether the Bill should be passed or not."

Certainly it is for the House to take into consideration the objections that have been raised that it is not competent for the House to consider a legislation of this kind. I was a Member of this House when Dr. Deshmukh introduced a Bill on the subject of succession to property by Hindu widows. A point of order was raised then. It was decided that it is not competent for the Chair to rule it out on the ground that such a question could not be legislated upon. Therefore, if the House is willing, it may accept the present Bill; otherwise it may throw it out. It is for the courts to decide whether this legislature is competent or not competent. I am not in a position to say at this stage that his is out of order. It is for the hon. Member to take whatever decision he thinks fit, having regard to the point of order raised, and if it ultimately turns out that it is a futile piece of legislation that has been passed by this House, he will take the consequences. It is for him to decide.

Seth Govind Das: Then I am not willing to withdraw this Bill and I shall now make my speech.

Mr. Deputy-Speaker: I am not asking the hon. Member to withdraw. There is absolutely no such suggestion from the Chair. It is for him to do what he likes.

The Honourable Shri Jalramdas Doulatram (Minister of Food and Agriculture): May I make a reply to some of the points?

Mr. Deputy-Speaker: No. I have already given my ruling on the point of order.

The Honourable Shri Jairamdas Doulatram: Not on the point of order. The hon. Member in charge of this Bill wanted me to make certain things clear . . .

Mr. Deputy-Speaker: He should have done it earlier. The hon. Minister then rose but I found him resuming his seat. I should now ask the hon. Member to go on with his speech. At this stage, I am not prepared to allow any questions to be answered.

Shri L. Krishnaswami Bharathi: Do you mean to say, Sir, that if the Chair is not entitled to say, the House is not entitled to say whether the point of order raised is correct or not? I want to know.

Mr. Deputy-Speaker: Not on the point of order. The Bill will go on if the hon. Member wants to get on with it. It is open to him to proceed or not to proceed. If he proceeds, I will put the motion. Then it will be open to the House to accept the Bill, that is to say, to take it into consideration or to reject it.

Prof. N. G. Ranga (Madras. General): That is what you mean.

सेठ गोविन्द दास : सभापति जी, मुझे इस कानून के मसविदे को इस धारा सभा में रखते हुये बहुत खुशी हो रही है। मैंने इस विषय में सन् १९२३ ई० से जब से मैं केंद्रीय धारा सभा का मेंबर हूँ, हमेशा दिलचस्प ली है। इस असेम्बली में और कौंसिल आफ स्टेट में दोनों स्थानों पर मैंने समय समय पर इस विषय को अनेकों रूप में उठाया। जिस समय हम स्वतंत्र हो गये थे उस समय मैंने विधान परिषद में भी इस बात का प्रयत्न किया था कि हमारे विधान में भी इस सम्बन्ध में कोई धारा जोड़ दी जाय और वह धारा जोड़ दी गई। सरकार ने एक कमेटी का भी निर्माण किया जिस का मैं भी सदस्य रहा हूँ और उस कमेटी ने भी इस बात की सिफारिश की है कि इस देश में गोवध कतई बन्द होना चाहिये। अब इसके बाद यानी स्वराज्य की स्थापना के बाद विधान में इस विषय में जो धारा जोड़ दी गई है उसके बाद सरकार ने जो इस सम्बन्ध में कमेटी बनाई थी उसकी सिफारिश के बाद इसके सिवा मेरे सामने कोई रास्ता नहीं था कि मैं इस विषय में इस असेम्बली के सामने एक कानून का मसविदा उपस्थित करूँ।

इस मसविदे में जो धारारें हैं उन पर मैं असेम्बली के सदस्यों का ध्यान आकषित करना चाहता हूँ। इसकी मुख्य धारा यह है कि इस देश में गोवध कतई बन्द होना चाहिये। जहाँ तक सरकार का सम्बन्ध है, माननीय कृषि मन्त्री जी ने इस बात की घोषणा की थी कि जहाँ तक काम के पशुओं का सम्बन्ध है सरकार इस नीति को स्वीकार करती है कि उनका वध बन्द होना इस देश में अत्यन्त आवश्यक है। परन्तु मैं उनसे यह कहना चाहता हूँ कि काम के पशुओं का वध न किया जाय, इस सम्बन्ध

में भिन्न-भिन्न प्रांतों में इसके पहले भी कानून पास हो चुके हैं और सरकारी आज्ञा निकल चुकी है। परन्तु उनके पास किये जाने के बाद, इन आज्ञाओं के निकल जाने के बाद भी हम इस बात को देखते हैं कि ज्यादातर उन जानवरों का वध इस देश में होता है जो काम के जानवर होते हैं।

The Honourable Shri K. Santhanam: On a point of order, the Bill as it stands cannot be enacted into law, because no amendments have been tabled and it is said that it shall come into force on the 1st day of January 1948. Unless proper amendments are brought in, this cannot be enacted into law.

Mr. Deputy-Speaker: There is no harm. It is such a small matter. I am not prepared to accept this point of order. It is a formal affair, which can always be modified. If the Bill is to be thrown out, let it be on another point.

Pandit Thakur Das Bhargava: All the same, there is one point which is quite clear. Even if this Bill is taken into consideration, it is not likely to be passed in this session. We have passed the Constitution and preservation of cattle is a provincial subject. Therefore, the whole of this labour will become infructuous.

Mr. Deputy-Speaker: It is for the House to decide whether it shall go on with this Bill or not. How is it a point of order? The House is going on with many things and they are taking a lot of time over them, knowing full well that they will not be passed in this session. This will be one along with the others.

The Honourable Shri Satyanarayan Sinha: Why not take the opinion of the House?

Mr. Deputy-Speaker: There is no procedure whereby I can take the opinion of the House in any manner I like or as perhaps the hon. Member likes. The speaker would kindly go on.

सेठ गोविन्द दास : सभापति जी, तो मैं यह कह रहा था कि मने बम्बई में, कलकत्ता में और दूसरे शहरों में जाकर खुद इस बात को अपनी आंखों से देखा कि वहां पर जितने पशुओं का वध होता है वह सब काम के होते हैं। पंजाब से और दूसरे स्थानों से पशुओं का निर्यात होता है। तो उनके बछड़ों को उस समय कसाई-खाने में दे देते हैं और उसके बाद ज्यूही उन गायों का दूध सूख जाता है त्यों ही वह कसाईखानों में भेज दी जाती है।

(Interruption)

Mr. Deputy-Speaker: The hon. Member does not give in.

Shri P. T. Chacko: On a point of order.

Mr. Deputy-Speaker: He has raised a point of order. Yes, what is it?

Shri P. T. Chacko: The Member is addressing in Hindi without getting any permission from the Chair, while the rule—rule 40—is that the business of the Assembly shall be transacted in English, provided that any Member may address the Assembly in Hindustani. Under this rule, he can address in Hindustani, but he is speaking in pure Hindi. May I ask for the ruling of the Chair on this point?

Mr. Deputy-Speaker: So far as I am concerned, Hindi and Hindustani are one and the same. That is no point of order.

संघ गोविन्द दास : इसके सिवा जिस दूसरी बात पर हमारा ख्याल जाता है वह वह है कि १४ वर्ष के ऊपर के

Shri H. J. Khandekar: 'Khyal' which the hon. Member is using is an Urdu word.

Mr. Deputy-Speaker: Let us not unnecessarily go into such details.

Shri L. Krishnaswami Bharathi: Does the hon. Member accept that Hindi and Hindustani are one and the same?

संघ गोविन्द दास : तो मैं यह कहना चाहता हूँ कि ७ या ८ वर्ष की उम्र के बाद किसी बड़े से बड़े विशेषज्ञ को भी इस बात का पता लगना असम्भव रहता है कि अमुक अमुक पशु की अवस्था १४ वर्ष की हो गयी है या नहीं। हमारे पडीसी देश बर्मा में पहले यही कानून बनाया गया था, उपयोगी पशुओं का बंधन किया जाय। परन्तु बर्मा को जब यह बात ज्ञात हुई कि वह कानून केवल पुस्तकों में रह जायगा और यह व्यवहार में नहीं लाया जा सकता तब बर्मा ने एक कानून बनाया जिसके अनुसार बर्मा देश में गोवध कतई बन्द कर दिया गया। फिर इस देश में हम यह कह रहे हैं कि हमको अधिक अन्न चाहिये, हमको अधिक दूध चाहिये और हमको अधिक घी चाहिये। जब हम अधिक अन्न उपजाने की योजनाओं की तरफ ध्यान देते हैं तो हमें वहाँ पर दीख पड़ता है कि जहाँ तक बैलों का सम्बन्ध है इसमें बैलों का कोई स्थान नहीं है। मैं इस बात को मानता हूँ कि हमारे यहाँ पर ट्रैक्टरों (tractors) की भी जरूरत है। मैं यह नहीं कहता कि हम ट्रैक्टरों से काम नहीं लें। परन्तु इस देश में भूमि का जिस प्रकार से विभाजन है उसको देखते हुये यह हमें मानना पड़ेगा कि अकेले ट्रैक्टरों से हमारा काम चलने वाला नहीं है। एक तरफ अगर हमें अपनी बंजर जमीन को आबाद करने के लिये ट्रैक्टर चाहिये, जमीन के कांस और दूसरे करकट को निकालने के लिये हमें ट्रैक्टर चाहिये, तो दूसरी तरफ हमको बैलों की उससे कम आवश्यकता नहीं है। इसी के साथ हम यह भी देखते हैं कि उपज बिना खाद के नहीं बढ़ सकती। सरकार फर्टिलाइजर्स (fertilizers) के लिये बड़ी बड़ी फैक्ट्रियाँ (factories) बना रही है। बिहार की फैक्टरी बन रही है। उसमें कई करोड़ रुपया लगाया जाने वाला है। मैं इस प्रकार के फर्टिलाइजर्स के भी विरुद्ध नहीं हूँ, इसकी भी हमें जरूरत है। पर इसी के साथ साथ मैं यह कहना चाहता हूँ कि इस प्रकार की खाद के सम्बन्ध में विशेषज्ञों में मतभेद है। कुछ लोग मानते हैं कि लम्बी दौरान में इस प्रकार की खाद जमीन की शक्ति

को कम कर देती है। इस लिये यदि हमें एक तरफ फर्टीलाइजर्स की जरूरत है तो दूसरी तरफ़ ऐसे खाद की भी आवश्यकता है जिसके सम्बन्ध में विशेषज्ञों में कोई मतभेद नहीं है, जैसे गोबर और गोमूत्र का खाद। उसके लिये हमें इन पशुओं की आवश्यकता है।

तो जहां तक अन्न अधिक उपजाने का विषय है मैं आपसे यह कहना चाहता हूँ कि हमें यदि अन्न अधिक उपजाने की योजना को ठीक रूप से कार्य रूप में परिणत करना है तो यह आवश्यक है कि हम इस देश में गोवध कतई बन्द करें। अब यह कहा जाता है कि जिन पशुओं को निकम्पा कहा जाता है उनके खाने की, उनके रखने की, हम क्या व्यवस्था करें। मैं आपसे यह कहना चाहता हूँ कि इस विषय में भी जो कमेटी सरकार ने नियुक्त की थी उस कमेटी ने सिफारिशों की है और उस कमेटी ने कहा है कि इस प्रकार के पशुओं के रखने के लिये हमें गो-सदनो की स्थापना करनी चाहिये।

(English translation of the above speech)

Seth Govind Das: I am feeling a great pleasure in placing this Bill before this Assembly. I have all along taken interest in this matter ever since 1928 when I was elected as a Member of the Central Assembly. I raised this question in different forms from time to time both in this Assembly as well as in the Council of State. After we had achieved independence, I had also endeavoured in the Constituent Assembly that some provision to this effect should be made in our Constitution and an Article embodying this was, therefore, incorporated in it. The Government set up a Committee of which I am also a member and that Committee has recommended that cow-slaughter should be totally stopped in this country. Now after the attainment of independence, when an Article to this effect has been adopted in the Constitution, and after the recommendations of the Committee set up by the Government in this connection, there was no other alternative left with me except that I should present a Bill on this subject before this Assembly.

I would like to draw the attention of the hon. Members of this House to the various clauses of this Bill. Its main clause is that cow-slaughter should be totally stopped in this country. So far as Government are concerned, the hon. Minister of Agriculture had made an announcement to this effect that the Government accept this principle inasmuch as the slaughter of useful animals must necessarily be banned. But I would like to point out to him that the legislation has already been passed by the various Provinces banning the slaughter of useful cattle and Government orders issued to that effect. But even after the enactment of this legislation and the issue of these orders, we find that it is mostly the useful animals which are slaughtered in this country.

The Honourable Shri K. Santhanam (Minister of State for Transport and Railways): On a point of order, the Bill as it stands cannot be enacted into law, because no amendments have been tabled and it is said that it shall come into force on the 1st day of January 1948. Unless proper amendments are brought in, this cannot be enacted into law.

Mr. Deputy-Speaker: There is no harm. It is such a small matter. I am not prepared to accept this point of order. It is a formal affair, which can always be modified. If the Bill is to be thrown out, let it be on another point.

Pandit Thakur Des Bhargava: All the same, there is one point which is quite clear. Even if this Bill is taken into consideration, it is not likely to be passed in this session. We have passed the Constitution and preservation of cattle is a provincial subject. Therefore, the whole of this labour will become infructuous.

Mr. Deputy-Speaker: It is for the House to decide whether it shall go on with this Bill or not. How is it a point of order? The House is going on with many things and they are taking a lot of time over them, knowing full well that they will not be passed in this session. This will be one along with the others.

The Honourable Shri Satyanarayan Sinha (Minister of State for Parliamentary Affairs): Why not take the opinion of the House?

Mr. Deputy-Speaker: There is no procedure whereby I can take the opinion of the House in any manner I like or as perhaps the hon. Member likes. The speaker would kindly go on.

Seth Govind Das: Sir, I was just saying that I have personally seen this with my own eyes in Bombay, Calcutta and other cities that all the animals which are slaughtered there are useful cattle. The cattle are exported from Punjab and other places. Thus their calves are sent to the slaughter-houses and shortly afterwards as soon as these cows become dry, they are also sent to the slaughter-houses (*Interruption*).

Mr. Deputy-Speaker: The hon. Member does not give in.

Shri P. T. Chacko (United State of Travancore and Cochin): On a point of order.

Mr. Deputy-Speaker: He has raised a point of order. Yes, what is it?

Shri P. T. Chacko: The Member is addressing in Hindi without getting any permission from the Chair, while the rule—rule 40—is that the business of the Assembly shall be transacted in English, provided that any Member may address the Assembly in Hindustani. Under this rule, he can address in Hindustani, but he is speaking in pure Hindi. May I ask for the ruling of the Chair on this point?

Mr. Deputy-Speaker: So far as I am concerned, Hindi and Hindustani are one and the same. That is no point of order.

Seth Govind Das: Apart from this, the other thing which draws our attention is that those above the age of 14 . . .

Shri H. J. Khandekar (C. P. and Berar: General): *Khyal* which the honourable Member is using is an Urdu word.

Mr. Deputy-Speaker: Let us not unnecessarily go into such details.

Shri I. Krishnaswami Bharathi: Does the hon. Member accept that Hindi and Hindustani are one and the same?

Seth Govind Das: So I would like to say this that after the age of seven or eight years, it is impossible even for the best of the experts to find out whether or not a particular animal has attained the age of 14. In our neighbouring country, Burma, there already exists legislation prohibiting the slaughter of productive animals. But when the Burma Government felt that such legislation would remain only on the Statute Book and never be implemented, they enacted a law which totally prohibited the cow-slaughter throughout the country. Still in this country, we are clamouring that we want more food, milk and ghee. When we look to the 'Grow More Food' schemes, we find that so far as the bullocks are concerned, they do not find any place there. I do admit that we also need tractors and I do not mean that we should not make use of the tractors. But in view of the distribution of land in our country we have but to own that tractors alone cannot serve our purpose. If, on the one hand, we need the tractors for the reclamation of our waste lands and for weeding out shrubs and other wild growth, on the other hand the necessity of oxen is no less appreciable. Along with this, we also see that the production cannot be increased without manure. The Government are constructing big fertilizer factories. The Bihar factory is under construction. Several crores of rupees are likely to be spent over it. I am also not opposed to such sort of fertilizers. We need these too. But along with this, I would like to say that the expert opinion differs on this type of manure. Some people hold the opinion that such sort of manure weakens the vitality of the land in the long run. Therefore, if on the one hand, we require the fertilizers, on the other, we also need that kind of manure about the fertility of which the experts hold a unanimous opinion, such as the manure of cow-dung and the urine of a cow. For that purpose, we need the preservation of these animals.

As regards the problem of production of more food, I would like to say that if we want to implement our 'Grow More Food' plans in a precise manner, then it is necessary that we should totally prohibit cow-slaughter in this country. Now it is asked, what arrangement should we make for the food and preservation of those animals which are no longer serviceable? I would like to tell you that the Committee which was appointed by the Government in this connection have also made recommendations and they have suggested that we should establish *gaushalas* (cow-pens).

Mr. Deputy-Speaker: The hon. Member will continue his speech after Lunch. The House will now stand adjourned till half past two of the Clock.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar) in the Chair.

TAXATION LAWS (EXTENSION TO MERGED STATES AND AMENDMENT) BILL

PRESENTATION OF REPORT OF SELECT COMMITTEE

The Honourable Dr. John Matthai (Minister of Finance): Sir, I beg to present the report of the Select Committee on the Bill to extend certain laws relating to taxation on income to certain areas administered as parts of Governors' Provinces or as Chief Commissioners' Provinces and further to amend certain laws relating to taxation on income.

INDIAN CATTLE PRESERVATION BILL—contd.

सेठ गोविन्द दास : सभापति जी, जब हम लोग यहां से लंच के लिये उठें, उस समय मैं आपसे उन पशुओं के रखने के लिये जिन्हें हम अनुपयोगी कहते हैं, गोसदन स्थापित करने की चर्चा कर रहा था। सरकार ने जो कंट्रोल प्रोजरवेशन कमेटी ब्रिटाई थी, उसने यह सिफारिश की थी कि हमें इस देश में गोसदनों की आवश्यकता होगी। लोग कहा करते हैं कि आदमियों को तो खाना नहीं मिलता, और कुछ लोग गाय का विषय उठाते हैं। जो लोग यह कहते हैं, उनकी तर्क बुद्धि पर मुझे आश्चर्य होता है। मानो जो कुछ आदमी खाता है, वही गाय खाती है। बात ऐसी नहीं है। आदमी घास नहीं खाता, गाय घास खाती है। आदमी अन्न खाता है, गाय उसका भूसा खाती है। मैंने इस देश में भ्रमण कर ऐसे जंगलों को देखा है, अपने मध्यप्रान्त में देखा है, उड़ीसा में देखा है, आसाम में भी देखा है, जिन जंगलों में इफरात से घास होती है और या तो वह ग्रामों में सुखा कर जलाई जाती है, या बरसात में सड़ जाती है। उन जंगलों की घास का कोई उपयोग नहीं होता। इस प्रकार के गोसदन जहां यह अनुपयोगी कहे जाने वाले पशु रखे जायें, ऐसे जंगलों में स्थापित किये जा सकते हैं, उन गोसदनों की चलाने में विशेष खर्च नहीं पड़ेगा। वहां उन्हें घास बिना किसी मूल्य के मिल सकेगी, और उनके गोबर, गोमूत्र से जो खाद तैयार होगी, वह खाद आसपास के खेतों की उर्वार कर सकेगी।

इन गोसदनों के साथ-साथ महात्मा गांधी ने जिस प्रकार के चर्मालयों का उपयोग किया है, और जो वर्षों में आज भी चल रहे हैं, वह चर्मालय स्थापित किये जा सकेंगे। और जब किसी गाय या बैल की मृत्यु होती है, उस समय उहका चमड़ा उन चर्मालयों में काम में लाया जा सकेगा। इस प्रकार एक मिश्रित योजना है जिस योजना के अनुसार, यह गोसदन सैल्फ सपोर्टिंग (self-supporting), बिना किसी खर्च के चलाये जा सकेंगे।

एक बात हमें इन गोसदनों में और करनी चाहिये कि इन अनुपयोगी जानवरों की संतति हम बन्द कर दें, वहाँ पर हम कोई सांड न रखें। गोसदनों पर मैं इस लिये विशेष जोर दे रहा हूँ तथा अनुपयोगी पशुओं को न मारने के सम्बन्ध में इस लिये कह रहा हूँ कि जो कुछ मैंने बम्बई कलकत्ता, मद्रास और दूसरी बड़ी-बड़ी जगहों में देखा है, उसके आधार पर मेरा यह निश्चित मत है कि इस देश में गोवध अच्छे पशुओं का ही होता है, और जबतक हम गोवध कतई बन्द नहीं करेंगे, और इस तरह के पशुओं के रखने की व्यवस्था जब तक हम इस प्रकार के गोसदनों में नहीं करेंगे, तब तक न तो हम उपयोगी पशुओं की रक्षा कर सकेंगे, और न हम उनकी नस्ल ही सुधार सकते हैं।

शायद इस देश के लोग इस बात को नहीं जानते होंगे कि आज भी इस देश में सबसे बड़ी आमदनी गोधन की है जो इस विषय में दिलचस्पी रखते हैं, उन्होंने अर्थात् विशेषज्ञों ने इस सम्बन्ध में कुछ इत्तला इकट्ठी की है और उनके अंकों से यह ज्ञात होता है कि इस देश में १९ अरब रूपया साल की गोधन से आमदनी है। मैं उन अंकों और विशेषज्ञों की राय को यहां पर पढ़ कर अधिक समय नहीं लूंगा, परन्तु मैं यह कहना चाहता हूँ कि जितनी आमदनी इस देश में गोधन से है, उतनी बड़ी आमदनी किसी दूसरे व्यापार से नहीं है। फिर ध्यान देने की बात यह है कि अन्य व्यापारों की चाहे यह लोहे का व्यापार हो, चाहे कपड़े का व्यापार हो, चाहे शक्कर का व्यापार हो, चाहे चाय का व्यापार हो, कोई भी व्यापार क्यों न हो उनको सरकार से संरक्षण प्राप्त हुआ होता है उसके खिलाफ जहाँ तक गोधन का सम्बन्ध है, वहाँ वजाय किसी प्रकार के संरक्षण के गाये कत्ल की जाती हैं। संरक्षण की बात तो अलग रही इस गोधन व्यापार को सरकार की ओर से किसी प्रकार का संरक्षण प्राप्त नहीं रहता है, लेकिन तब भी इस व्यापार की आमदनी इतनी अधिक है और मैं दावे के साथ कह सकता हूँ कि यह देश जो कृषि प्रधान देश है और जहाँ कृषि की उन्नति की बात कही जाती है, जहाँ पर अन्न अधिक उपजाने की भिन्न-भिन्न योजनायें बनती हैं और उन योजनाओं के प्रचार का प्रयत्न किया जाता है, यहां पर यदि हम लोग गोधन की ओर दृष्टि डालें और इस सम्बन्ध में कुछ भी प्रयत्न करें, तो इस व्यापार की आय जितनी इस समय होती है, उससे कहीं अधिक बढ़ सकती है।

अभी सरकार ने एक्सपोर्ट के सम्बन्ध में एक कमेटी स्थापित की थी। मैं तो उस कमेटी की रिपोर्ट देख कर दंग रह गया। उस कमेटी के सदस्यों ने यह कहा

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कि इस देश से चमड़े का निर्यात इतना कम हो गया कि इस समय जो गोवध बन्द करने का आन्दोलन चल रहा है उसके अनुसार गोवध बन्द करना इस देश के लिये श्रेयकर नहीं होगा। परन्तु वह इस बात को भूल गये कि जो चमड़ा उनके गोवध करने से प्राप्त हो सकता है, यदि हम इस प्रकार के गोसदनों को स्थापित करें और इस प्रकार के गोसदनों को स्थापित करके वहाँ चर्मालय स्थापित करें, तो हमको वह चमड़ा उतना ही या उससे भी अधिक प्राप्त हो सकता है। तो इसकी वजह वह कमेटी इस सम्बन्ध में यह रखती कि गोसदनों की स्थापना की जाय और गोसदनों के साथ चर्मालय स्थापित किए जायें तो अधिक अच्छा होता। इस कमेटी का इस प्रकार का निवेदन इस देश के लिए, मैं कहना चाहूंगा, हितकर नहीं है। और इस एक्सपर्ट कमेटी की रिपोर्ट से इस देश के निवासियों के हृदयों को काफ़ी चोट पहुंची है यह मैं यहां कहना चाहता हूं।

दूसरे देशों में कितने पशु हैं और यहां कितने पशु हैं, दूसरे देशों में कितना दूध लोगों को मिलता है और इस देश में कितना दूध मिलता है। दूसरे देशों में बच्चों की मृत्यु की संख्या कितनी है और इस देश में कितनी है। इन विषयों के अंक भी मैं इस समय नहीं रखना चाहता क्योंकि इन अंकों को मैंने विधान परिषद में रखा था और उसके पहले भी मैं अनेक बार रख चुका हूं। उन अंकों के आधार पर यह बात सिद्ध हो जाती है कि इस देश में जितना कम दूध यहां के लोगों को मिलता है उतना कम दूध संसार के किसी देश के लोगों को नहीं मिलता। यहां पर जितने बच्चों की मृत्यु होती है उतने बच्चों की मृत्यु संसार के किसी देश में नहीं होती।

मैं यह कहना चाहता हूं कि गोवध बन्द करने से हमारा काम सिद्ध नहीं होता। यह मैं स्वीकार करता हूं। परन्तु गोवध पहला कदम है यह मैं कहना चाहता हूं जैसा मैं आज भी अनेक बार कह चुका हूं और इसके पहले भी कई बार कह चुका हूं कि इस देश के उपयोगी पशुओं की रक्षा भी बिना गोवध को कतई बन्द किए नहीं हो सकती। इसलिए मैं इस पर बार बार जोर देता हूं। पर जहां में गोवध बन्द करने की बात कहता हूं, गोसदनों की स्थापना की बात कहता हूं, यहां में पशुओं की नस्ल सुधार की बात भी कहता हूं। जब तक पशुओं की नस्ल का सुधार नहीं होगा तब तक हमारा काम नहीं चल सकता। और इसके लिए मैं यह कहना चाहता हूं कि यदि गोसन स्थापित किए जायें और अनुपयोगी पशुओं को इन गोसदनों में भेज दिया जाय और दूसरी ओर इन गोशालाओं को सरकार की ओर से सहयोग प्राप्त हो तो नस्ल सुधार का काम बहुत दूर तक यह गोशालायें सरलता से कर सकती हैं।

इस देश में यों तो गोशालाओं की संख्या करीब ३ हजार है, परन्तु उनमें से छः सौ गोशालायें बहुत अच्छी हैं जिनके पास काफ़ी भूमि है, काफ़ी इमारतें हैं और जिन के

पास थोड़ा बहुत घन भी है, और आप लोगों को सुन कर अश्चर्य होगा कि इस देश में इन छः सौ गोशालाओं का करीब तीन करोड़ रुपया प्रति वर्ष खर्च होता है। अभी इन गोशालाओं पर इस समय अधिकतर भार अनुपयोगी पशुओं का है। यदि सरकार इस प्रकार के गोसदन स्थापित कर दे तो यह गोशालायें अच्छी से अच्छी डेरी (dairy) और अच्छे से अच्छे ब्रीडिंग फार्म (breeding farms) में परिवर्तित की जा सकती हैं। ज्योंही इन अनुपयोगी कहे जाने वाले पशुओं का भार गोशालाओं से हटा ल्योही यह गोशालायें इस प्रकार की हो जायंगी। गोशालाओं के ऊपर हंसने से काम नहीं चलेगा और उनकी आलोचना करने से भी काम नहीं चलेगा। मैं आप से कहना चाहता हूँ कि इस देश में यदि कोई अच्छी गाय दिखाई दे जाती है तो इसका श्रेय गोशालाओं का ही है। यदि यह गोशालायें स्थापित न की जातीं और इन गोशालाओं में थोड़ा बहुत नस्ल सुधार का काम न होता तो जो अच्छी गायें हम इस देश में देख रहे हैं वह भी न मिलती। कहना बड़ा सरल है कि यह सब गोशालायें लंगड़े और लूले जानवरों का रक्षण करती हैं, पर यह बातें वहीं लोग कहते हैं जिन्होंने उन गोशालाओं को नहीं देखा है, और उनका अनुभव नहीं किया है। मैं आपसे कहना चाहता हूँ और बहुत जोर देकर कहना चाहता हूँ कि जहाँ तक इन गोशालाओं का सम्बन्ध है, वहाँ तक इन गोशालाओं ने गोधन बचाने और गोधन की तरक्की करने के लिये अब तक बहुत कुछ किया है। और यदि इसी प्रकार के गोसदनों को स्थापित करके सरकार इन गोशालाओं को सहायता दे तो यह गोशालायें इस देश में बहुत कार्य कर सकती हैं।

मानव केवल मस्तिष्क से शासित नहीं होता है। वह ऐसा प्राणी है जो मस्तिष्क और हृदय दोनों से शासित होता है, और जिस समय हम इस प्रकार की समस्याओं पर विचार करें उस समय में कहना चाहता हूँ कि दोनों बातों को ध्यान में रख कर हम इन पर विचार करें। इस सम्बन्ध में जनमत क्या है, देश का हृदय क्या चाहता है इस पर भी हम विचार किये बिना नहीं रह सकते। मैंने इस सम्बन्ध में आज लगभग २६ वर्षों से निरन्तर प्रयत्न किया है। मैं देश भर में इस सम्बन्ध में घूमा हूँ। मैंने लोगों का मत संग्रह करने का भी प्रयत्न किया है। अब जो बिल इस असेम्बली में पेश है उस बिल को मैंने इस देश की भिन्न भिन्न धारासभाओं के सदस्यों का भेजा था। और उनकी इस सम्बन्ध में राय आई। उस राय से यह स्पष्ट हो जाता है कि यह विषय साम्प्रदायिक विषय है ही नहीं लोग इसको साम्प्रदायिकता की दृष्टि से नहीं देखते। जो राय मुझे प्राप्त हुई है भिन्न भिन्न असेम्बलियों के सदस्यों की, उनकी संख्या इस प्रकार है: बिहार से मुझे वहाँ की असेम्बली के २९ सदस्यों ने इस पक्ष में अपनी राय भेजी है, कुछ ने जवाब नहीं दिया, कुछ जवाब दे रहे हैं और उनमें दोषुसलमान हैं, एक मि० जी० यू० साँ और दूसरे मि० एम० ए० क्यू० अन्तारी, उड़ीसा के १८ सदस्यों की राय

[सिठ गोविन्द दास]

आई है, उनमें भी दो मुसलमान हैं, एक मि० एस० एफ० हक और एक मि० एम० यूसुफ, बंगाल के २४ सदस्यों की राय आई है।

डाक्टर पी० एस० दशमुख : कुल सदस्य कितने हैं।

सिठ गोविन्द दास : मैंने बताया कि अभी लोग भेज रहे हैं। मद्रास से ६४ सदस्यों की राय आई है इसके मत में और इसमें एक मुसलमान है, मि० एम० हुसेन और एक ईसाई हैं मिसेज हन्समंका। बम्बई के २४ सदस्यों की राय आई है, पंजाब से २१ सदस्यों की राय आई है, यू० पी० के ६० सदस्यों की राय आई है, जिनमें आठ मुसलमान हैं, लुत्फ अली खां, मुहम्मद नबी, मुहम्मद जमशेद अली खां, मिस्टर सुलतान आलम खां, मिस्टर हसन हुसैन, मिस्टर मुहम्मद सुलेमान, मिस्टर निहालुद्दीन और बख्शी अहमद अन्सारी। सी० पी० से १८ सदस्यों की राय आई है, उनमें एक मुसलमान है, मिस्टर एस० एम० हसन।

अब ये कुछ लोगों की राय आपके सामने पढ़ना चाहूंगा। मिस्टर बी० यू० खां जो बिहार के हैं उन्होंने कहा है :

"I would like to say that so far as I know, Muslims would welcome such strict legislation rather than adoption of a backdoor method. This might be misunderstood by many and the proposed legislation by Government introducing only partial prohibition might eventually prove to be a machine of Muslim oppression."

दूसरे मिस्टर ए० क्यू० अन्सारी ने लिखा है :

"I will do needful in the matter."

मिस्टर एस० एफ० हक ने लिखा है :

"I fully support the stopping of cow-slaughter."

मिस्टर यूसुफ ने कहा है :

"I am in complete agreement with your proposal. It will have my unqualified and unstinted support."

Dr. Mono Mohon Das: Is there anybody who has not supported it?

सिठ गोविन्द दास : जी नहीं। उसके बाद मिस्टर हसन ने लिखा है :

"The question of cow protection has become an article of faith with me, particularly since 1920, when I suspended my studies in the Wilson College, Bombay. During the Non-cooperation movement after hearing a memorable speech of our late revered Bapu, I took a vow

not to touch beef and I have kept up my vow religiously all these twenty nine years. The cow, I honestly tell you, is as sacred to me as she is to any Hindu brother of mine."

संयुक्त प्रान्त के प्रधान मन्त्री, पण्डित गोविन्द वल्लभ पन्त जी ने मेरे इस गो-सेवक समाज को एक बड़ा लम्बा सन्देश भेजा है। इसको मैं पढ़ना नहीं चाहता, जिसमें उन्होंने इसका समर्थन किया है।

इसके बाद मैं यह भी बतलाना चाहता हूँ कि हिन्दुस्तान में

Shrimati G. Durgabai: On a point of information. Sir, I want to know

Seth Govind Das: I am not giving way, Sir.

Mr. Deputy-Speaker: He is not giving way.

Shrimati G. Durgabai: On a point of order

Mr. Deputy-Speaker: I do not want every point of information to be converted into a point of order.

Shrimati G. Durgabai: I wanted to know, Sir, whether this Bill was circulated for public opinion, or is the hon. Member reading out, for the benefit of hon. Members, the opinions sent by individuals to whom the Bill was sent?

Mr. Deputy-Speaker: Yes, evidently they are letters addressed to him.

An Honourable Member: Letters?

Seth Govind Das: Yes, letters in support of this Bill.

Shri B. L. Sondhi: At your instance?

Seth Govind Das: Of course, I sent them the Bill and they could have said that they did not support it; but they have all supported it.

तो मैं अपने इतने मुसलमान भाइयों की राय को पढ़ने के बाद कहना चाहता हूँ कि हमें इस प्रश्नको साम्प्रदायिक दृष्टि से देखना ही नहीं है। यह साम्प्रदायिक प्रश्न नहीं है। इसमें सन्देह नहीं है कि यह ऐसा प्रश्न है जिससे हमें देश के हृदय को भी संतुष्ट करना है, परन्तु यह साम्प्रदायिक प्रश्न नहीं है, मैं यह कहना चाहता हूँ।

अब इस विषय में एक सबसे बड़ा प्रश्न है और यह यह है कि अगर गोबध कतई बन्द किया जाता है और इन गोसदनों की स्थापना होती है और नस्ल सुधारने का सारा काम सरकार अपने हाथ में लेना चाहती है, तो इसके लिये जिस धन की आवश्यकता होगी वह कहाँ से आयेगा। इस कठिनाई को मैं महसूस करता हूँ। परन्तु इस

[सेठ गोविन्द दास]

विषय में पहली बात तो मुझे यह कहनी है कि इस सम्बन्ध में जो लागें हैं, वे इतनी अधिक हैं और वे कई व्यापारियों के यहां जमा रह जाती हैं और दी नहीं जातीं, कि अगर उनकी वसूली को कानून बना कर किया जाय तो उन लागों से हमको पर्याप्त धन मिल सकेगा। इन लागों के सिवा माननीय कृषि मन्त्री जी इस बात को जानते होंगे कि जो कमेटी उन्होंने इस सम्बन्ध में बनाई थी उस कमेटी ने सरकार को एक सिफारिश की है और यह सिफारिश यह है कि इस सम्बन्ध में अगर सरकार कोई नया टैक्स भी लगाना चाहे तो यह नया टैक्स लगा सकती है अगर गोबध बन्द कर दिया जाये। गोबध जारी रखते हुए अगर केवल नस्ल सुधारने के लिये टैक्स लगाया जायगा तो लोग पसन्द नहीं करेंगे, पर गोबध कतई बन्द करके नस्ल सुधारने के लिये अगर सरकार कोई नया टैक्स भी लगायेगी तो इस देश की जनता उस नये टैक्स को सहर्ष देगी और यह उसमें कभी पीछे पैर नहीं रखेगी। इस लिये इस सम्बन्ध में जितने धन की आवश्यकता होगी यह धन हमको सरलता से मिल सकेगा। इसमें मुझे कोई सन्देह नहीं है।

Dr. Mono Mohon Das: This levy of a tax for cow protection, is that the opinion of the hon. Member or that of his Cow Protection Society?

सेठ गोविन्ददास : तो मेरा यह कहना है कि स्वराज्य के बाद मेरी दृष्टि में यह दो आवश्यक चीजें थीं, एक तो इस देश की राष्ट्रभाषा का सवाल और दूसरा गोरक्षा का सवाल। लोग मुझ से कहते हैं कि मैंने इन दोनों बातों को कैसे मिला दिया है। हिन्दी और गोरक्षा से क्या सम्बन्ध है? मैं यह कहना चाहता हूँ कि एक का हमारे मस्तिष्क से सम्बन्ध है क्योंकि ज्ञान के प्रसार बिना देश की स्वतन्त्रता स्थायी नहीं हो सकती, और दूसरी का हमारे शरीर से सम्बन्ध है। इस शरीर की रक्षा बिना गोरक्षा के नहीं हो सकती। शरीर और मस्तिष्क इन दोनों का इन दोनों विषयों से घनिष्ट सम्बन्ध है; मैं तो कहूँगा कि अत्योन्याश्रयी सम्बन्ध है। इसलिये स्वराज्य के पश्चात् मैंने इन दो विषयों को लेने का प्रयत्न किया। मैं सरकार का और धारा सभा के सदस्यों का अनुग्रहीत हूँ कि उन्होंने बहुत दूर तक हम लोगों का साथ दिया। हिन्दी का प्रश्न भी बहुत दूर तक हल हो गया और गोरक्षा का विषय भी हमारे विधान में शामिल कर लिया गया है। परन्तु उसके बाद आगे और बढ़ाने की जरूरत है। हिन्दी के मामले में भी आगे बढ़ने की जरूरत है, गोरक्षा के मामले में भी आगे बढ़ने की जरूरत है, और मैं आपसे यह कहना चाहता हूँ कि इस देश की जनता स्वराज्य का अर्थ ही नहीं समझेगी अगर इस देश में गोबध कतई बन्द होकर गाय की नस्ल सुधारने का प्रयत्न नहीं होगा। इसी लिये हमारे विधान में इस विषय के जोड़े जाने के बाद मैंने यह आवश्यक

समझा कि इस दिशा में मैं एक कानून का मसविदा उपस्थित करूँ और वह मसविदा में उपस्थित कर रहा हूँ। मैंने जो अब तक इस सम्बन्ध में संक्षेप से कहा है उसके पांच निचोड़ हैं :

(१) गोदध कतई बन्द हो जब तक यह नहीं होता तब तक उपयोगी पशुओं का बध भी बन्द नहीं हो सकता।

(२) इसके लिए गो सदनों की स्थापना हो।

(३) गोशालाओं के ऊपर से अनुपयोगी पशुओं का भार हटा कर और उन्हें गोसदनों में रख कर गोशालाओं को डेअरी और ब्रीडिंग फार्म्स में परिवर्तित किया जाय।

(४) स्थानीय नस्लों की उन्नति। यह नहीं कि एक प्रांत से दूसरे प्रांत में जानवर भेजे जायें और उनकी वही की आबोहवा अनुकूल न पड़े और वह मर जायें। यह उपयुक्त भी नहीं है। मैं एक प्रांत से दूसरे प्रांत में गायों के भेजने को कतई बन्द करना चाहता हूँ। हां सांड जरूर भेजे जायें जिससे नस्ल की उन्नति ही।

(५) इस सब काम के लिए जो लागू लागे हुए हैं उस लागे को नसूल करने का ठीक प्रबन्ध हो और इसके बाद भी यदि जरूरत हो तो एक नया टैक्स लोगों पर लगाया जाय जिसे, मेरी आशा है, लोग सहर्ष देंगे।

इन शब्दों के साथ मैं अपना बिल निवार के लिए पेश करता हूँ। मैंने इस धारा सभा का बहुत समय लेने का प्रयत्न नहीं किया। इसी लिए मैंने अंकों को और जो दूसरे उद्धारण मुझे देने थे उनको नहीं पडा और जो दूसरी बातें मुझे कहनी थी मैंने नहीं कही और इस बहुत बड़े विषय को संक्षेप में सम्पादित किया जिसके लिए एक भाषण सुबह से शाम तक होना चाहिए था। परन्तु मैं बहुत संक्षेप से इस सम्बन्ध में जो कुछ मुझे कहना था कह कर इस प्रस्ताव को आपके सामने उपस्थित करता हूँ।

श्री एच० ज० खांडेकर : डिप्टी स्पीकर साहब, मैं सेठ गोविन्द दास जी से यह पूछना चाहता हूँ कि अगर गोदध बन्द कर दिया जायगा तो क्या चमड़े की उपज कम हो जायगी या ज्यादा हो जायगी ?

सेठ गोविन्द दास : मैं आपसे यह स्पष्ट कर चुका हूँ कि अगर हम सारे देश में अच्छी तरह से गोसदनों की स्थापना कर देंगे तो मेरा यह मत है कि इस तरह से हमको चमड़े की कमी मालूम नहीं होगी और हमको पर्याप्त चमड़ा मिलता रहेगा और हमारे निर्यात के कार्य में भी बाधा नहीं पड़ेगी।

(English translation of the above speech)

Seth Govind Das: Sir, before we rose for lunch I was speaking about the founding of *gosadans* for those cattle which we regard as no longer useful. The Cattle Preservation Committee which was appointed by the Government made a recommendation that we should need *gosadans* in this country. Some people are prone to remark, 'Here are persons who are raising the question of cows at a time when food is not available even for men'. I am surprised at the logic of people who make that remark. It sounds as if the cow eats the same kind of food as man which is not the case. Man does not eat grass which the cow does. Man eats foodgrains, the cow eats their chaff. In the course of my tours in this country I have seen jungles—in my Central Provinces, in Orissa and also in Assam—which abound in grass, which is either made to dry up and then burnt in the villages or rot away during the rainy season. The grass that grows in those jungles is not put to any use. The *gosadans* to house the so-called useless cattle can be located in such jungles. The maintenance of these *gosadans* will not involve any extraordinary expenditure. Grass will be available there for them without any cost while the manure resulting from their dung and urine will help in the improvement of the neighbouring fields.

Alongside with these *gosadans* it will be possible to establish tanneries of the type brought into vogue by Mahatma Gandhi which are working in Wardha even today, so that whenever some cow or bullock dies its hide will be utilised by the tannery. There is thus a composite plan according to which these *gosadans* will be maintained on a self-supporting basis, without any extra expense.

We should make one more provision in regard to these *gosadans*; stop the procreation of these no longer useful cattle, by not keeping any stud-bull there. I am laying particular emphasis on *gosadans* and advocating the imposition of a ban on the slaughtering of unproductive cattle, for the reason that on the strength of what I have observed in Bombay, Calcutta, Madras and other big places, I am of the firm opinion that in this country it is invariably the useful type of cattle that come to be slaughtered. Not until we ban cow-slaughter entirely and provide for the keeping of that kind of cattle in such *gosadans* shall we be able either to protect useful cattle or to improve their breed.

Possibly the people of this country are not aware of the fact that even today the highest income in this country proceeds from its cattle wealth. The experts who have pursued this subject with a special interest have compiled information on that point. From the figures provided by them it is revealed that this country has an annual income of 19 arabs (19,00 crores) of rupees from its cattle wealth. I shall not take any more time of this House by reading out those figures and the opinion of the experts but I do want to assert that the volume of income which accrues to this country from cattle wealth is not equalled by that from any other business. And, the most remarkable thing is this that in the case of other businesses, whether it be steel, cloth, sugar or tea, whatever business it might be, protection is available from the Government, while, on the other hand, in so far as cattle wealth is concerned, instead of any kind of protection being granted to it, cow-slaughter is going on. Protection is a far cry. Even though this cattle business enjoys no protection of any kind from the Government still the income resulting from it is very considerable. I can say with authority that in this country, which is predominantly an agricultural land, where one hears about agricultural improvements, where various plans are evolved for increasing the production of foodgrains and efforts are made to propagate those plans, if we were to turn our attention towards our cattle wealth and make some sort of effort in that direction the income from this business at present available can be very greatly increased.

Recently the Government appointed a committee in connection with exports. I was simply stunned by the report of that committee. The Members of that committee have expressed the opinion that the export of skins from this country has diminished to such an extent that it would not be in the interests of this country to ban cow-slaughter as demanded by those carrying on agitation against it. They have, however, ignored the fact that if we were to found such *gosadans* and also establish tanneries alongside with them we could obtain the same or even greater quantity of skins. Thus it would have been better for that committee to have, instead, recommended the founding of *gosadans* and the establishment of tanneries alongside with them. The kind of proposition that has been made by this committee is, I must say, not in the interests of this country. I wish to point out that the report of this Expert Committee has considerably hurt the feelings of the people of this country.

What is the number of cattle in other countries and what is the number here? How much milk do people in other countries get and what is the quantity available in the case of this country? What is the incidence of infant mortality in other countries and where does it stand in ours? I do not wish to give you the figures on those subjects at this time, because I gave them to the Constituent Assembly and even before that I have placed them before you a number of times. On the basis of those figures it is proved that in no other country of the world do people get such a little quantity of milk as here. No other country of the world has such an appalling rate of infant mortality as ours. I wish to say that our purpose will not be achieved simply by banning cow-slaughter. I acknowledge this fact. But the banning of cow-slaughter is the first step in this direction. I wish to say, as I have repeatedly said in the past also, that without the total banning of cow-slaughter the preservation of the useful animals of this country cannot be made. That is why I repeatedly lay stress on this point. But whenever I talk about the banning of cow-slaughter and the establishing of cow-pens I also lay stress upon the improvement of the breeds of the cattle. Till the breeds of our cattle are not improved we cannot achieve our purpose. So I wish to say that if cow-pens are established and the unproductive cattle sent therein and if on the other hand these *gaushalas* were to enjoy the co-operation and help of the Government then these *gaushalas* can very easily work to a great extent towards the improvement of the breeds.

There are nearly 3000 *gaushalas* in this country but out of the lot nearly 600 are very good. They have enough lands, sufficient buildings and have some funds also, and you would be surprised to hear that in our country nearly three crores of rupees are spent annually over these *gaushalas*. At present the major burden on these *gaushalas* is of un-productive cattle. If the Government were to establish such cow-pens then these *gaushalas* can be converted into excellent dairy and cattle-breeding farms. No sooner the burden of these so-called un-productive cattle is shifted from these *gaushalas*, they will soon be converted into such farms. No useful purpose will be served by simply laughing and making fun of these *gaushalas*. No amount of criticism also will serve the purpose. I wish to tell you that if any cows of good breed are seen in this country today then the credit of this should go to these *gaushalas*. Had these *gaushalas* not been established and the task of the improvement of the breeds not undertaken in them then even these good breeds of cow that we see today in our country could not have been found. It is very easy to say that all these *gaushalas* give shelter and protection to maimed and crippled cattle. But such allegations are made by those persons only who have not seen these *gaushalas* and have no experience of them. I wish to tell you with

[Seth Govind Das]

all the emphasis at my command that as far as these *gaushalas* are concerned they have done a lot of good work for the improvement and preservation of the cattle-wealth of this country and if the Government were to help these *gaushalas* by establishing similar ones then these *gaushalas* can serve a very useful purpose in this country.

Man is governed not by his brain alone, but he is such a creature who is acted upon both by the brain and the heart, and so when we discuss such problems then, I wish to say, we should think over them only after taking both the aspects of human nature into consideration. We cannot at the same time help taking into consideration the public opinion in this respect or what the country demands us to do in this matter. For the last 26 years I have incessantly been making all possible efforts in this direction. I have toured the whole country in this connection. I have tried to ascertain the public opinion also in this respect. I had sent copies of the Bill that is before the House to the hon. Members of the different Legislatures of the country, and some opinions on this Bill were also received. It becomes quite clear from the opinions that the matter is not in the least of communal nature, people do not consider this matter from the communal viewpoint. The number of the opinions received by me from the hon. Members of the different Legislatures is as follows: From Bihar 29 hon. Members of the Bihar Assembly have sent their opinions in favour of the Bill, some have not yet sent their opinions, some are sending and these hon. Members include two Muslims also, one is Mr. B. U. Khan and the other is Mr. M. A. Q. Ansari. From Orissa the opinions of 18 hon. Members have been received, this number also includes two Muslims, one is Mr. S. F. Haq and the other is Mr. M. Yusuf. Twenty-four Members from Bengal have sent their opinions.

Dr. P. S. Deshmukh (C.P. and Berar: General): What is the total number of the hon. Members?

Seth Govind Das: I have just told you that some hon. Members are sending their opinions even now. From Madras the opinions of 64 hon. Members in the favour of the Bill have been received and this number includes one Muslim Mr. M. Hussain and one Christian Mrs. Hansman. From Bombay the opinions of 24 hon. Members have been received, from Punjab of 21 hon. Members and from the United Provinces that of 60 Members including eight Muslims, Lutf Ali Khan, Mohd. Nabi, Mohammad Jamsheed Ali Khan, Mr. Sultan Alam Khan, Mr. Rukm Husain, Mr. Mohammad Suleiman, Mr. Nihaluddin and Bakshi Ahmad Ansari. From Central Provinces the opinions of 18 members have been received including one Muslim Mr. S. M. Hassan.

Now I would like to read before you the opinions of some of the hon. Members. Mr. B. U. Khan of Bihar has written:

"I would like to say that so far as I know, Muslims would welcome such strict legislation rather than adoption of a backdoor method. This might be misunderstood by many and the proposed legislation by Government introducing only partial prohibition might eventually prove to be a machine of Muslim oppression."

Another hon. Member Mr. A. Q. Ansari has written:

"I will do needful in the matter."

Mr. S. F. Haq has written:

"I fully support the stopping of cow-slaughter."

Mr. Yusuf has written:

"I am in complete agreement with your proposal. It will have my unqualified and unstinted support."

Dr. Mono Mohon Das (West Bengal: General): Is there anybody who has not supported it?

Seth Govind Das: None. Mr. Hassan has further written:

"The question of cow protection has become an article of faith with me, particularly since 1922, when I suspended my studies in the Wilson College, Bombay. During the Non-co-operation movement after bearing a memorable speech of our late reverend Bapu, I took vow not to touch beef and I have kept up my vow religiously all these twenty nine years. The cow, I honestly tell you, is as sacred to me as she is to any Hindu brother of mine."

The Hon. Pandit Govind Ballabh Pant, the Premier of the United Provinces, has sent a long and lengthy message to my गो संवक सभा (Cattle Protection Society). I do not want to read out his message wherein he has supported this proposal. After this I wish to tell you this also that in India . . .

Shrimati G. Durgabal (Madras: General): On a point of information, Sir, I want to know . . .

Seth Govind Das: I am not giving way, Sir.

Mr. Deputy Speaker: He is not giving way.

Shrimati G. Durgabal: On a point of order

Mr. Deputy-Speaker: I do not want every point of information to be converted into a point of order.

Shrimati G. Durgabal: I wanted to know, Sir, whether this Bill was circulated for public opinion, or is the hon. Member reading out, for the benefit of hon. Members, the opinions sent by individuals to whom the Bill was sent?

Mr. Deputy-Speaker: Yes, evidently they are letters addressed to him.

An Honourable Member: Letters?

Seth Govind Das: Yee, letters in support of this Bill.

Shri B. L. Soodhi (East Punjab: General): At your instance?

Seth Govind Das: Of course. I sent them the Bill and they could have said that they did not support it; but they have all supported it.

So after reading out to you the opinions of our Muslim brethren I wish to say that we have not thought over this question from the communal point of view at all. This is not a communal question. No doubt this question is of such a nature whereby we have to satisfy the people of our country. I wish to say with all emphasis at my command that this is not at all a communal question.

The most outstanding question in this connection is this that if cow-slaughter is totally banned and such cow-pens are established and the Government wish to take upon itself the responsibility of improving the breeds of the milch cattle, then from where the money that would be required for this purpose would come? I feel this difficulty. The first suggestion that I wish to make in this connection is that the funds that have been allotted to these *gaushalas* are quite substantial and sometimes these funds lapse with the business-men and are not made available for this purpose. If these funds be realized properly by enacting a law to that effect then we will be able to get sufficient funds from these people. Apart from these people, the hon. the Minister of Agriculture will recall the Committee set up by him for this purpose having made a recommendation which leaves an option to the Government for the levy of a new tax in case they decide to enforce prohibition of

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cow-slaughter. The people of this country will not react favourably to the imposition of such a tax side by side with the continuation of cow-slaughter; they, however, will not be found lagging in paying even a new tax quite willingly provided cow-slaughter is banned altogether. The Funds required in this connection, therefore, will be easily available to us. I have the least apprehension in this respect.

Dr. Mono Mohon Das: This levy of a tax for cow protection, is that the opinion of the hon. Member or that of his Cow Protection Society?

Seth Govind Das: So I have to submit that after the attainment of Independence, two things were of paramount importance to me: firstly the issue of a national language and secondly this problem of cow protection. People generally put it to me how I could mix up the two issues and question the relevancy of Hindi and cow protection as in between themselves. I wish to say that one has bearing on our intellect inasmuch as without a proper development and expansion of knowledge our freedom cannot be considered to be an enduring one. The other issue concerns our body. The body cannot be preserved till protection is provided to the cow. Both body and intellect are very closely inter-linked with those two issues; I will rather go to the extent to say that they are inter-dependent. For that reason I have endeavoured to realize both these aims in the post-Independence period. I am very grateful both to the Government and the hon. Members of this Legislature for the large measure of co-operation they gave us. The question of Hindi stands almost solved and the cow-protection has been included as one of the subjects in our Constitution. It is, however, still necessary to go further both in the matter of Hindi as well as cow protection. I desire to convey it to you that the people of India will not be able to understand any meanings of 'Swaraaj' till cow-slaughter is banned entirely and further efforts are made to improve its breed. So after the inclusion of this subject in our Constitution, I thought it necessary to bring forward a 'Draft Bill' in that direction. I am doing that now. A gist of all that I have said briefly so far, consists of these five points:

- (1) That cow-slaughter should be banned entirely. Unless this is done, the serviceable and useful cattle will continue to be slaughtered along with others.
- (2) That, as a step towards that end, cow-sheds should be set up.
- (3) That the 'goshalas' should be relieved of the burden of the unproductive and of those cattle which are no longer useful. Such cattle may be kept in separate cow-pens set up for them. The 'goshalas' may thereafter be converted into regular dairy and breeding farms.
- (4) That the improvement and development of the local breeds be undertaken. The cattle should not be sent from one Province to the other where the climate may not suit them resulting in their death ultimately. Such a course is not an appropriate one too. I want to put an absolute end to this practice of despatching the cows from one Province to the other. The bulls may, however, continue to be sent in order to improve and develop the local breeds.
- (5) That proper arrangements be made to recover all the expenditure incurred on this account and if there is still a deficit, a new tax may be levied which, I hope, the people will pay quite willingly.

With these words I move my Bill for consideration. I have made no attempt to take much time of this House. Out of that consideration, I have not read out any facts and figures and other things which I might well have said in support of my view-point. I have dwelt very briefly on a subject which required a lecture from morning to evening. But I have said in a brief manner whatever I had to say and now I place this Bill before you for consideration.

Shri H. J. Khandekar: Sir, I will like to know it from Seth Govind Das whether the ban on cow-slaughter will have an adverse or a favourable effect on our leather production.

3 P.M.

Seth Govind Das: I have already made it clear to you that once we have established the cow-sheds in an efficient way all over the country, then I am of the opinion that shortage of leather will not be felt. The required quantity of leather will always be available and there shall be no hold-up in our export trade either.

The Honourable Shri Jitramdas Doulatram: Sir, I desired to speak at an earlier stage but I failed to get an opportunity. Probably if I had had that opportunity a little time of the House could have been saved.

I have listened with great interest to the eloquent speech of my hon. friend Seth Govind Das. I know his strong feelings in the matter and I also know that he has devoted many years to the cause in which he believes. But I would suggest to him that it would on the whole be better if he agrees to postpone the consideration of the Bill. If I may remind him he had given notice of this bill some time ago. Subsequent to that notice a number of steps have been taken by the Government more or less intended to serve at least part of the purpose of that Bill.

The Government appointed a committee which went very thoroughly into the question from all points of view. That committee made recommendations which can be divided into two parts. One set of recommendations related to what are termed useful cattle and on those recommendations Government came to a decision that they should be implemented in the provinces. For that purpose Government intended to move a Bill in this legislature but they were advised by their law officers that the Centre had no power to legislate on the matter and that the best way was to send a model Bill to the provincial Governments for their consideration and eventual enactment in the provincial all the provincial governments. Some of the provincial governments have legislated in terms of those recommendations. Before we sent this model Bill legislated in terms of those recommendations. Before we sent this model Bill steps had already been taken in some States which went even further than the recommendations which the Government had sent.

Since then the question of the centrally administered areas has come up for the consideration of the Government and as a result of discussions held with the hon. Member who has moved the Bill, as well as a few other friends interested in this matter Government decided to take steps to see that the Centrally Administered Areas also come under the purview of the legislation which we had recommended. Since then it has been pointed out to us that there are a few improvements which could be introduced in the measure which has been adopted by some provincial governments and which we intended also for the centrally administered areas. I am prepared to consider improvements, so that whatever difficulties are feared could be remedied.

There is also a Bill which my hon. friend Pandit Thakur Das Bhargava has given notice of for the centrally administered areas. That Bill also possibly

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contains a few improvements on the original draft Bill sent to the provincial governments. It may be possible that the Bill which is to be introduced by Pandit Thakurdas Bhargava might, with such modifications as may be agreed upon become an official Bill. That is a matter which I would like to go into. I would therefore suggest to my hon. friend that he should agree to postpone the further discussion on this motion and have it adjourned to a later session.

An Honourable Member: And give him another opportunity to make the same speech.

The Honourable Shri Jairamdas Daulatram: And in the meantime see the effect of the steps taken by the Government and their reaction on public opinion in various provinces.

सेठ गोविन्द दास : आप हिन्दी तो अच्छी तरह से समझत ह ।

मि० डिप्टी स्पीकर : दोनों समझता ह ।

सेठ गोविन्द दास : कृषि मन्त्री जी यह नहीं कह रहे ह कि यह बिल वापस ले लिया जाय बल्कि वह कह रहे हैं कि वह स्वयं सरकार की ओर स पं० ठाकुरदास भागवत के बिल के साथ इसको भी लायेंगे ।

Mr. Deputy Speaker: The hon. Member has no right to make a long speech.

सेठ गोविन्ददास : इस लिये, चूँकि मुझे यह बिल वापस नहीं लेना ह, केवल उस आगे बढ़ानेकी बात है, इस लिये मुझे कोई आपत्ति नहीं है ।

(English translation of the above)

Seth Govind Das: Sir, I hope you understand Hindi well.

Mr. Deputy-Speaker: I understand both.

Seth Govind Das: The hon. the Minister of Agriculture does not want this Bill to be withdrawn. On the other hand he has promised to place this Bill before the House along with Pandit Thakur Das Bhargava's Bill.

Mr. Deputy-Speaker: The hon. Member has no right to make a long speech.

Seth Govind Das: I have, therefore, no objection, as I have no intention to withdraw this Bill and certainly wish to go ahead with it.

Shri M. Tirumala Rao (Madras: General): On a point of information, Sir, is this a matter between the mover of the motion and the Government or the House has also a *locus standi* in it?

Mr. Deputy-Speaker: I am going to put the motion to the House. It is open to any member at the consideration stage to move or not to move his motion for consideration. That is the stage at which the Bill stands at present. The hon. Member moved the motion for consideration and I did not put it to the House but asked the hon. Minister to speak. If the hon. Member insists that his motion should be put to the House I will do so and the House will be seized of it.

Pandit Thakur Das Bhargava: The hon. Member has submitted for your consideration that the matter may be postponed. It is always open to any Member to move for postponement.

Mr. Deputy-Speaker: I will first of all put the original motion to the House and then the motion for the adjournment of the debate and it is for the House to accept it or not.

The Honourable Shri K. Santhanam: The motion itself may be adjourned.

Mr. Deputy-Speaker: Hon. Members will kindly appreciate my difficulty. The hon. Member has given a motion for the consideration of the Bill. As has been the practice for some time past I asked the hon. Minister to explain the position so as to avoid spending more time of the House. But when once a motion is made I must put it to the House. I shall therefore put the motion to the House and then the motion for the adjournment of the debate as well.

Motion moved:

"That the Bill to preserve the milch and draught cattle of the country, be taken into consideration."

Now the other motion that the debate be adjourned to some other session may be moved.

The Honourable Shri Jairamdas Doulatram: I move:

"That further discussion on the motion be postponed."

Mr. Deputy-Speaker: The question is:

"That further discussion on the motion be postponed."

The motion was adopted.

Shri Sarangdhar Das (Orissa States): On a point of information, Sir. Some two weeks ago the hon. the Prime Minister had announced that there would be a Note on the sugar crisis circulated and a date set apart for a debate on the matter. I should like to know when the Note is coming and on what date the debate will be held.

Mr. Deputy-Speaker: Advantage cannot be taken of the presence of the Agriculture Minister to bring in any matter relating to his Ministry for discussion on a day which is set apart for non-official Bills.

SOCIETIES REGISTRATION (AMENDMENT) BILL

Shri B. K. Sidhva (C.P. and Berar: General): Sir, I beg to move:

"That the Bill further to amend the Societies Registration Act, 1960, be taken into consideration."

Sir, this is a very simple Bill.

The Honourable Dr. B. E. Ambedkar (Minister of Law): Sir, if you will permit me to make a statement at this stage, probably Mr. Sidhva may change his mind. With regard to this Bill I have the same objection which I had in regard to the Bill moved by my friend Seth Govind Das, namely, that this House is not competent to legislate on this subject. It is true that if the Bill was restricted to the Centrally administered areas then this Legislature would be competent to pass the Bill, confined as it would be to the Centrally administered areas. I am not going to say that I am not in sympathy with the aims and objects of the Bill. I think probably there is a case for a law in the terms proposed by Mr. Sidhva. But what I would suggest is this that, rather than

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move his Bill in the form in which it is framed now which, as I said, would be *ultra vires* of this Legislature, if he likes I would like to say that I am prepared to circulate his Bill to the Provinces and ask them to examine whether there is a case in their area to pass a Bill of that sort. If the various Provinces agree to pass a Bill of that sort then I think there would be no difficulty in the Central Government also undertaking similar legislation so far as the area which is directly under their administration is concerned, so that we can have a uniform law on the subject throughout India.

Mr. Deputy-Speaker: Is this Societies Registration Act, 1960 a Central Act or a Provincial Act?

The Honourable Dr. B. R. Ambedkar: The subject-matter is purely provincial.

Mr. Deputy-Speaker: All the same it is a Central Act.

The Honourable Dr. B. R. Ambedkar: The Act is a Central Act, but the subject-matter is now transferred to the Provinces.

Shri R. K. Sishya: Sir, of course on the point of order you have already, on a previous occasion, decided that this House is competent to discuss.....

Mr. Deputy-Speaker: I have not said that this House is competent.....

The Honourable Dr. B. R. Ambedkar: I should like to clear this point if I may. I do not question the ruling that has been given that this is not a point of order. At the same time I think this House must realise that the Constitution has placed certain limitations upon the legislative authority of the Centre and the legislative authority of the Provinces, and it is the duty of the House before proceeding upon any legislation to satisfy itself that what it is doing lies within its purview and within its sphere. If each Legislative Assembly, both Provincial and Central, were to disregard this rule and trespass upon the province and legislative field assigned to each, there will be an utter chaos in the matter of legislation. Therefore, apart from the question whether it is a point of order or not, it is the duty and function of this Assembly to satisfy itself that it is not knowingly or deliberately trespassing upon the field which has been assigned to the Provinces. It is true that there are cases where the field of legislation which is proposed is so clearly marked out as being either provincial or Central that there can be no manner of doubt in the mind of the Members of the House. There might be cases which might be regarded as border-line cases and it may be that in border-line cases the Legislature may take to itself the benefit of doubt and say "well, we shall have the law". But this is a matter about which there can be no question about the Provinces being the only authorities entitled to make this law. And I do not think that the ruling which you have given could be taken advantage of by any Member to proceed with a measure of legislation which is clearly outside the function of this Legislature.

Mr. Deputy-Speaker: May I know the entry in the Provincial List?

The Honourable Dr. B. R. Ambedkar: Item 83 in List II of the Seventh Schedule to the Government of India Act, 1953—the last portion of the item. It reads:

"The incorporation, regulation, and winding-up of corporations not being corporations specified in List I or Universities; unincorporated trading, literary, scientific, religious and other societies and associations; co-operative societies."

The Honourable Shri K. Sathyanam (Minister of State for Transport and Railways): When a preliminary point is raised, though the Chair may not care to decide the point, I think it is but fair that the preliminary point may be put

to the House, may be discussed and decided before the Bill is proceeded with. I think that will be the best way, namely, of deciding the point whether the House wants to proceed with a question which is said to be beyond its jurisdiction. That preliminary point may be discussed and decided by the House before the Bill is proceeded with.

Shri B. K. Sidhva: Such a point of order has not been raised by my hon. friend Dr. Ambedkar. And I am not raising the issue. I only say that the Central Government is also functioning here as a Provincial Government—it has got the Provinces of Delhi, Ajmer-Merwara, Coorg etc. So the hon. Member cannot get away from the fact that this House functions also as a Provincial Legislature, besides making laws for the Centre. But I am not raising that point also. I am very glad that the hon. Minister has stated that he sympathises with the aims and objects of the Bill. He is practically in agreement with what I have stated, but he feels that it is proper that the opinion of the Provinces should be obtained which he definitely assures to do. I am very glad that he has shown inclination that the law does require amendment. I only say that false statements are sent to the Registrar by these societies because the law is defective. And for a number of years the names of the general body and executive committee members who are not actually functioning as members are inserted, because the societies want to retain their power. I am very glad the Law Minister realises that the law needs amendment. And I have no objection to its being sent to the Provinces.

Mr. Deputy-Speaker: The hon. Member has saved the trouble of the House. I have not placed the motion before the House and there is therefore no need to withdraw it.

Shri M. Tirumala Rao (Madras: General): Is the Bill kept alive on the agenda like the other Bill?

Mr. Deputy-Speaker: They have to give further notice for continuation and so on. Why does the hon. Member worry about it now? We will go to the next item of business.

INDIAN PENAL CODE (AMENDMENT) BILL

AMENDMENT OF SECTIONS 53, 121, 132, etc.

Sjt. Rohini Kumar Chaudhuri (Assam: General): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Penal Code (*Amendment of Sections 53, 121, 132, etc.*).

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Penal Code (*Amendment of Sections 53, 121, 132 etc.*)"

The motion was adopted.

Sjt. Rohini Kumar Chaudhuri: Sir, I introduce the Bill.

LAND ACQUISITION (AMENDMENT) BILL.

AMENDMENT OF SECTIONS 11 AND 23

Sardar Hukam Singh (East Punjab: Sikh): Sir, I beg to move for leave to introduce a Bill further to amend the Land Acquisition Act, 1894 (*Amendment of Sections 11 and 23*).

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Land Acquisition Act, 1894 (Amendment of Sections 11 and 23)."

The motion was adopted.

Sardar Hukam Singh: Sir, I introduce the Bill.

ADVANCED AGE MARRIAGE RESTRAINT BILL.

Seth Govind Das (C.P. and Berar: General): Sir, I beg to move for leave to introduce a Bill to introduce certain restrictions regarding the marriages of males of advanced age.

Shri B. L. Sondhi (East Punjab: General): What about the females?

Mr. Deputy-Speaker: That is left for the hon. Member to introduce a Bill.

The question is:

"That leave be granted to introduce a Bill to introduce certain restrictions regarding the marriages of males of advanced age."

Some Honourable Members: No, no.

Seth Govind Das: Sir, it has been a convention that at the introduction stage no Bill is opposed.

Mr. Deputy-Speaker: No doubt it is a convention but unfortunately the hon. Member does not seem to have the support of the House. It is equally the convention that at the introduction stage if any hon. Member raises an objection, it is open to the mover to make a statement and to the Member objecting also to make a statement and then without debate the Bill is put to the House and accepted or rejected. The House is the final arbiter in the matter. I thought the majority said 'No' and I find the strength of the voice of the 'Noes' was greater. So, I would again put the motion to the House to find out if the 'Ayes' have it or the 'Noes'.

Sri. Rohini Kumar Chaudhuri (Assam: General): Sir, this measure being of such great importance whereby a large section of the willing people will be prevented from exercising their discretion, the 'Noes' ought to be allowed.

Mr. Deputy-Speaker: There is a formal opposition by Mr. Rohini Kumar Chaudhuri also. Let there be no more debate on this matter. I will put this motion.

Seth Govind Das: Sir, then I must make a statement before it is put. My say will at least be on record.

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Transport and Railways): May I rise to a point of order. I don't think any formal objection was raised by any Member. Sir, you were pleased to put the motion itself to vote and the 'Noes' had it according to our understanding of the voices. So I think we can't go back and give an opportunity to the mover to make a statement.

Mr. Deputy-Speaker: I agree with the objection raised by Shri Ayyangar. If the House were in favour I would have liked to have given an opportunity to the mover but inasmuch as a technical objection is raised, I cannot go back. I have already put the motion to the House. If any other Member had raised an objection immediately it would have been open to him to support so that the other Member may withdraw his objection. The matter has been put to the House and we can't go back.

The motion was negatived.

Seth Govind Das: Again I shall introduce it in the next session.

PROHIBITION OF MANUFACTURE AND IMPORT OF HYDROGENATED VEGETABLE OILS BILL

Pandit Thakur Das Bhargava (East Punjab: General): Sir, I beg to move for leave to introduce a Bill to provide for the prohibition of manufacture and import of hydrogenated vegetable oils.

Mr. Deputy-Speaker: A number of motions on the same subject have been tabled. They are of a like nature and when they come up I shall ask them not to be moved.

The question is:

"That leave be granted to introduce a Bill to provide for the prohibition of manufacture and import of hydrogenated vegetable oils."

The motion was adopted.

Pandit Thakur Das Bhargava: Sir, I introduce the Bill.

PUNISHMENT OF TAX EVADERS AND BLACKMARKETEERS BILL

Prof. K. T. Shah (Bihar: General): Sir, I beg to move for leave to introduce a Bill to provide for the punishment of tax evaders and blackmarketeers.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the punishment of tax evaders and blackmarketeers."

The motion was adopted.

Prof. K. T. Shah: Sir, I introduce the Bill.

CHILDREN'S PROTECTION BILL

Dr. P. S. Deshmukh (C.P. and Berar: General): Sir, I beg to move for leave to introduce a Bill to provide for protection, maintenance, custody, education and employment of children.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to provide for protection, maintenance, custody, education and employment of children."

The motion was adopted.

Dr. P. S. Deshmukh: Sir, I introduce the Bill.

INDIAN PENAL CODE (AMENDMENT) BILL.

REPEAL OF SECTION 309

Shri H. V. Kamath (C.P. and Berar: General): Sir, I beg to move for leave to introduce a Bill to amend the Indian Penal Code (*Repeal of Section 309*).

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to amend the Indian Penal Code (*Repeal of Section 309*)."

Several Honourable Members: No, no.

Shri H. V. Kamath: Sir, may I make a statement?

Mr. Deputy-Speaker: I am not giving an opportunity to explain. I have already put it to the House. No individual had got up and said anything against it. To avoid all these difficulties, I will first place the motion before the House and if any hon. Member wants to oppose the motion then I will ask the mover to support his motion and then I will put it to the House. I had thought there may be no difficulty at this stage.

Shri H. V. Kamath: Sir, I have moved for leave to introduce this Bill to repeal section 309 of the Indian Penal Code which makes an attempt to commit suicide punishable. (*An Honourable Member:* You are allowed.) I am very happy to hear from an hon. Member that one is allowed. I don't know what he meant exactly: whether one is allowed to attempt to commit suicide or whether one is allowed to commit suicide. So far as the completion of the act is concerned, there is no law standing in the way, because a person who commits suicide cannot be punished, as he goes beyond the pale of man-made law.

The present Bill of mine is very limited in its scope. The law as it stands at present makes an attempt to commit suicide punishable. There are various aspects of this matter to which I would earnestly request the House to pay attention with all the seriousness which they can command. This is not a matter to be laughed at or to be lightly brushed aside. This is a matter, as my hon. friend over there said, of life and death, and it has to be viewed not merely from the cold legal aspect of it but also from the higher ethical, philosophical and, may I say, also humanitarian aspect.

First of all, coming to the legal aspect of this matter, what do we find? The Indian Penal Code, as the House is well aware, was drafted by Thomas Babington Macaulay who proceeded mostly on the lines of English law. In English law, suicide was regarded as a moral sin and heinous crime. That is in accordance with the concepts of Christian religion. But even in Christian countries today, the law of suicide is not uniform.

Mr. Deputy-Speaker: The hon. Member is not entitled to make a long speech. The rule says that the Speaker in case a motion for leave is objected to may, if he thinks fit, after permitting a brief explanatory statement from the hon. Member who moved and the hon. Member who opposed it, without further debate, put the question. The hon. Member will kindly make a brief statement as to why he proposes this Bill. But he has started a long speech with various arguments.

Shri H. V. Kamath: How brief should it be?

Mr. Deputy-Speaker: The time he has already taken is sufficient to explain. The hon. Member should know the rule.

Shri H. V. Kamath: But I did not know how brief that statement should be. I would only say this much, that even in countries where the Christian religion is practised by majority of the people, the law on this subject is not uniform. The Encyclopaedia Britannica says that in some of the American States suicide is not regarded as a heinous crime. Taking the various religions professed and practised by the Indian people, I can say with regard to the Hindu religion that it does not under all circumstances regard suicide as a crime or a sin. I wish to obey your ruling and do not want to quote *in extenso* from various *shastras* and scriptures. I would only say this, with due deference to the memory of Mahatma Gandhi, that the various fasts that he undertook—I mean the fasts unto death—were in legal sense all attempts to commit

suicide. If the House would turn to Pandit Nehru's book, "The Discovery of India"—I am sorry I have not got a copy here; I did not expect this discussion to take place here today; otherwise I would have been ready with my papers and literature on the subject—if you would turn to page 9 of the "Discovery of India" you will find he has admitted that in the ultimate resort suicide is a way of escape from the ills and sufferings that beset us in this world. It is always open to anybody to commit suicide. Nobody can stand in the way. He (Pandit Nehru) does not condemn it as a crime or as something reprehensible or derogatory to human dignity. I would therefore not go any further than mentioning these two examples. We are well aware how much economic distress there is today. If anybody wants to get out of the world in the way he thinks fit and "Shuffles off this mortal coil" and if you are going to punish him, I submit that is not the way to set things right. The correct way would be to argue with that man, to persuade him, and send him to a place where you can teach him better ways of life, a better philosophy. If you punish him, it is absolutely wrong. It is a perverted way of reforming people who have attempted to commit suicide. That remedy is worse than the disease. It will make the person a worse human being. It will make his life darker, bleaker and more gloomy. I for one feel that it is absolutely a wrong and perverted way of looking at things to punish a person who has sought to commit suicide. The nobler way is to reason with him, to wean him from that path, and persuade him to a better way of life, so that the rest of his life he may lead as a saner, a wiser human being. My Bill therefore seeks to repeal the section which makes an attempt to commit suicide punishable under the law. I do not want to encourage suicide. Nothing is farther from my mind. But I do not want attempts to commit suicide to be punishable under the law. I want people who make such attempts to be led on to a better, wiser and saner way of life by means other than the infliction of punishment.

Sjt. Rohini Kumar Ohaudhuri (Assam: General): I beg to oppose this. This is an attempt to revive the Sati system. Sati is an attempt to commit suicide. I am not so much concerned with the person who wants actually to commit suicide. But if you take away this from the category of offences, then those who abet the commission of this offence will also be free from all sorts of punishment. Indirectly, you are encouraging the abettors of the commission of this offence. That is one thing.

The other thing is that the idea of suicide is repugnant to the Hindu altogether. We believe that those who commit suicide become ghosts and evil-spirits. If a Brahman commits suicide, he becomes *Brahmadatta*—he hangs on a tree and troubles you on Saturday nights and full moon nights. The fear of ghosts is still there. Therefore, I oppose this.

Shri H. V. Kamath: Have I the right of reply, Sir?

Mr. Deputy-Speaker: No.

The question is:

"That leave be granted to introduce a Bill to amend the Indian Penal Code (*Repeal of Section 309*)."

The motion was negatived.

Shri H. V. Kamath: I want a division. I want the number counted.

Mr. Deputy-Speaker: It is open to the Chair to put it in any form. I have ascertained the views of the House.

Shri H. V. Kamath: I request that the names be recorded.

Mr. Deputy-Speaker: That cannot be done.

COUNCIL OF THE PRESS OF INDIA BILL

Shri E. K. Sidhva (C.P. and Berar: General): Sir, I beg to move for leave to introduce a Bill to establish a Council of the Press of India to safeguard the freedom of the Press.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to establish a Council of the Press of India to safeguard the freedom of the Press."

The motion was adopted.

Shri E. K. Sidhva: Sir, I introduce the Bill.

USEFUL CATTLE PRESERVATION BILL

Pandit Thakur Das Bhargava (East Punjab: General): Sir, I beg to move for leave to introduce a Bill to provide for the preservation of useful cattle in the centrally administered areas.

Mr. Deputy-Speaker: The Honourable Minister has already given an assurance in regard to this matter. In view of that is the hon. Member particular of proceeding with the Bill?

Pandit Thakur Das Bhargava: I am only interested in introducing the Bill. If the hon. Minister is of the view that it need not be proceeded with, I would not object to it.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the preservation of useful cattle in the centrally administered areas."

The motion was adopted.

Pandit Thakur Das Bhargava: Sir, I introduce the Bill.

TRAINING AND EMPLOYMENT BILL

Dr. P. S. Deshmukh (C. P. and Berar: General): Sir, I beg to move for leave to introduce a Bill to make provision for employment and training for employment and to establish a comprehensive youth employment service.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to make provision for employment and training for employment and to establish a comprehensive youth employment service."

The motion was adopted.

Dr. P. S. Deshmukh: Sir, I introduce the Bill.

ABDUCTED PERSONS (RECOVERY AND RESTORATION) BILL—Contd.

Mr. Deputy-Speaker: The private members' business is over. We will now proceed to Government legislative business. The House will now take up further consideration of the motion moved by the hon. Shri N. Gopalaswami Ayyangar:

"That the Bill to provide, in pursuance of an agreement with Pakistan, for the recovery and restoration of abducted persons, be taken into consideration."

Was any hon. Member on his legs? I understand there was none. Prof. Shibban Lal Saksena.

Sjt. Rohini Kumar Oshadhuri (Assam: General): Sir, I was on my legs when the House adjourned.

Mr. Deputy-Speaker: The hon. Member might have been standing, but he was not called.

Sjt. Rohini Kumar Oshadhuri: I caught the eye of Mr. Krishnamoorthy Rao who was in the Chair.

Mr. Deputy-Speaker: That does not mean that the hon. Member was on his legs. Anyhow he will have a chance of speaking. Now Prof. Shibban Lal Saksena will speak.

Prof. Shibban Lal Saksena (U. P.: General): Sir, we heard yesterday a lucid exposition of the objects of this Bill from the hon. the Mover. No one in this House will question the high motive which has prompted this piece of legislation and I for one hang my head in shame at the happenings on our side after partition. I also wish that not a single sister who was abducted should remain here and that every effort should be made to restore her to her proper guardians.

But while I commend the spirit in which this Bill has been brought, I cannot refrain from expressing my deep dissatisfaction at the failure of our Government to be able to infuse a proper spirit in the other Dominion to restore our sisters to us. We saw the figures which the hon. Minister quoted yesterday and it pains me very much to know that out of 38,000 sisters abducted in Pakistan hardly 6,000 have been restored to us. This figure does not include the women abducted by the raiders from Kashmir and many more. Our Government has not done what I think should have been done in this matter.

Sir, our country has a tradition. Even now the Ramayana and the Mahabharata are revered. For the sake of one woman who was taken away by Ravana the whole nation took up arms and went to war. And here there are thousands and the way in which they have been treated was told by the hon. Minister himself. Our sisters from Kashmir were actually sold in the bazars—and what not was done to them.

And still we have not done anything commensurate with the gravity of the situation. When there was a dispute with South Africa this Government imposed economic sanctions, when much stronger action was called for. But here in this matter we have almost forgotten our sisters and the matter is thought of only when a Bill like this comes up before the House. An agreement with Pakistan, which does not give enough scope to us to go into this question should not have been entered into. It is our right to get our sisters back, especially when it is known that they are in possession of such and such person. In fact, there are 2,000 sisters who are in the possession of Pakistan government servants and yet we are helpless and keep our relations with Pakistan. On economic matters, I am told that we are thinking of cutting off relations with Pakistan on account of their refusal to send their jute which is already loaded in larges. But on this matter I do not think our Government has taken up a sufficiently strong attitude.

I also support my hon. friend Pandit Thakur Das Bhargava's contention that when the Cease Fire Agreement with Pakistan was signed, restoration of our sisters abducted by the raiders should have been put down as a definite condition. In fact, I am sorry at the manner in which Cease fire was agreed

[Prof. Shibban Lal Saksena.]

to. Even Sheikh Abdulla did not know anything about the matter. Our armies were winning on all fronts, but we had to withdraw. I went to Kasim-nir and had an opportunity of meeting many of our troops. They were saying that they were about to drive the raiders and the Pakistan troops out of the country. But the Cessé fire was called and they did not know anything about it. I think, Sir, this should not have been the manner in which action should have been taken. When so much was in stake, when we knew that our sisters were being paraded in Kabul and other countries, things should not have been dealt with in this manner. Our friends suggested yesterday that we should not hand over the girls recovered here until our own girls were restored to us. What they said was merely this, not that they wanted to keep them here, but that we must have our own sisters restored here, and we must place some pressure in that manner. I do not think it is a very worthy method; nor is that a noble method. But, I do wish however that some pressure should be brought to bear by which our sisters should be restored to us. I think there are many causes of estrangement between ourselves and Pakistan. But, I personally feel that of all these causes, the most explosive one is this. It may lie dormant for some time; but an occasion may come when it may flare up and become the most powerful cause and result in some explosion. I would request the Government to give an assurance to the House, while we all agree with the purpose of this Bill and commend the high motive behind it, that proper steps will be taken to get our sisters restored from the other Dominion. When we know that even Government officials are keeping them, at least this thing should not be allowed to continue. In fact, at an earlier stage, I put a question when I pointed out that some influential Zamindar of Pakistan had some lady with him, that she was recovered and because the Government of Pakistan were not prepared to offend that Zamindar, the lady was sent back to the Zamindar. I can only say that this kind of thing was only shameful, and should not be allowed to happen. That even Government servants should have been allowed to keep our sisters with them is something which requires stronger action, much stronger protest from our Government. I think that on the whole the House feels extremely sorry that in spite of the fact that two years have elapsed, these sisters are allowed to live a life which might probably be worse than life in Hell. I think that the Government will assure us that strong steps will be taken to see that our sisters are brought back to our land.

Sjt. Rohini Kumar Chaudhuri: Sir, there is absolutely no doubt in my mind that this Bill is a very well-intentioned one and that it has been drawn up in consonance with the principle which has been adopted by this Government in their relations with Pakistan.

The question of retaliation, in my mind, does not arise in a matter like this. If our Government wanted to retaliate, they had ample opportunity to do so in the past. But, however, our Government thought it wiser not to pursue a policy of retaliation, but to recover our subjects by more salutary methods. So far as that goes, therefore, I submit before the House that this is a welcome measure and the intention and principle of this Bill are far from being taken exception to.

But, Sir, I submit that this principle has not been followed in drawing up the Bill itself. The principle underlying the Bill should be this: that we should be willing to let these persons who want to go back to Pakistan, and we should give them all facilities to go back. If we find that there are persons here who have been restrained in this Dominion against their will, and if we also know that those persons will be better cared for in Pakistan, nil facilities should be given by this Government to restore them. For that purpose, the Bill is a very welcome one. But, it appears, Sir, that that principle has been almost lost sight of. It seems to me that you are trying by this Bill to put, as they

say, somebody into the fire from the frying pan. Under this Bill, a police officer empowered in this behalf by the Government will be competent to lay hold on any woman, whether an abducted woman or not, and keep her in his custody. There is no provision here for release on bail. She may be moat unwilling to go back; she may not be an abducted woman at all; the neighbours know that she is not an abducted woman. All the same, if only a Sub-Inspector of Police thinks that she is an abducted woman, there is no power on earth who can release her from his custody. There is no provision for bail; there is no provision for taking any evidence at this stage; she must by force be taken into custody by the Inspector of Police and kept there as long as it is in his opinion necessary. There is of course a provision that she should be produced as early as possible. But, as early as possible is a very vague term. In the ordinary criminal law, we have a provision that an accused person should be produced before a magistrate within 24 hours. There is no such provision here. As soon as possible may mean with the least possible delay. It may mean 24 hours; it may mean two or three days when the place is at some distance.

After taking into custody, the alleged abducted woman is placed in charge of a camp officer. We do not know what will be the status of this camp officer, whether he will be a Sub-Inspector of Police or Inspector of Police or even lower than that. When we remember that the tribunal which has so much power is only manned by two Superintendents of Police, you can very well imagine that the Camp officer will not be an officer superior to a Superintendent of Police. He may be an ordinary police officer. In his custody the woman will remain for, I should say, an indefinite length of time.

What is her position in the camp itself? If she is alleged to commit any offence, she may be tried and punished. By whom? By the camp officer. What will be the mode of punishment? Under what provisions will she be tried: under the provisions of the Criminal Procedure Code or in any other summary manner? Nothing is said in the Bill itself as to what will be the method of trial. What will be the punishment? Will it be the punishment prescribed under the Indian Penal Code or will it be the punishment prescribed under the Jail Code? Nothing has been said about this. She may be sentenced to imprisonment for breach of discipline; she may be sentenced for fine and on default of payment of a fine, to imprisonment; she may be subjected to other kinds of punishment of which we have no idea. Under the Jail Manual, an offender can be put on the ordinary diet; an offender can be put on sack cloth; an offender can be put on iron bars; she can be put on a single or double iron bars; she can be put in a solitary cell. What is the punishment which you are going to prescribe, we have no inkling of that at all.

Then, after she has been in the camp for some time, I do not know what sort of arrangement shall be made in the camp. Whether she will be put under jail diet or ordinary human diet, whether she will be put on a single meal or four meals, we have no idea of that. In the preliminary speech nothing was said about that matter. After that again some enquiry probably is made somewhere and the Officer again comes and takes charge of that particular abducted woman and what he does? He does not immediately restore her to her relations but he again keeps that woman in custody for any length of time. There is no limit prescribed for which that woman can be kept in custody by an Officer who takes her out of the camp. After remaining there for 4 P.M. some time he will decide whether this woman can be handed over to some relations or not. If you are really anxious to release these abducted women, if these abducted women are really anxious to go to their own places,

[Sjt. Rohini Kumar Chaudhuri.]

only you must invite their applications and if they are willing, you can take steps after knowing their number. I will even grant that applications can be made by their relatives if even it is supposed that they will be under the influence of others and their influence will be so dominating that they will not be able to express their desire freely. Even in those cases I will grant that her relations may be allowed to make applications and as soon as you know these are the persons who are anxious to go, we can take hold of those women and try to find out whether they are anxious to go or not. This elaborate procedure is not at all needed, if we are in good faith, if we are bent upon restoring these abducted women to their own homes.

As regards Tribunal, it will consist of two Superintendents of Police and their decision will be practically final subject to revision by Central Government. What will be the procedure adopted by this Tribunal? How will they take evidence? Suppose somebody claims to be the husband of the abducted woman will that person be given the fullest opportunity to prove his case?

Pandit Thakur Das Bhargava (East Punjab: General): What will happen if there be any difference of opinion among these two officers?

Sjt. Rohini Kumar Chaudhuri: Yes, what will happen in case of difference of opinion? It is perhaps supposed by Government that birds of the same feather flock together, and that it is humanly impossible that two Superintendents of Police will ever disagree in their views but you can never say, and when actually a difference of opinion arises between the two, what will be the procedure adopted? Nothing has been laid down, not even in the latest amendment put forward by the hon. Minister is there any suggestion of how this tangle will be solved.

The Honourable Shri N. Gopalswami Ayyangar (Minister of Transport and Railways): Would it help to meet the objection on this particular score if I tell him that my record says that during all the months that this procedure has been followed, there has not been a single case of difference of opinion between two members of the Tribunal.

Sjt. Rohini Kumar Chaudhuri: That may be so. That is my objection to the Tribunal. One Police Officer will say you give her up and another will say you give another up. If they connive, there is nothing on earth to prevent them from doing it. So, Sir, the principle is good but I submit that the procedure which has been adopted in this Bill for carrying out this principle is absolutely wrong and therefore this Bill needs a thorough overhauling before it can be put as a legal measure.

Shrimati Ammu Swaminadhan (Madras: General): Sir, while giving my wholehearted support to this Bill, there are just a few observations that I would like to make. I entirely agree with some of the hon. Members who have spoken, before me that so much power in this matter of recovery of abducted girls should not be given to Police Officers alone. I do know that there are social workers working with the Police in this matter but I feel that the extent of power that has been given to Police in this Bill may be misused at times. It is absolutely necessary for us to go on with this work of recovering such abducted girls who have been unfortunate victims at a time when there was so much chaos in the country and this work must go on but at the same time as it was brought to the notice of the hon. Mover yesterday, there have been cases where certain young people having been brought to this country under the same circumstances have now settled down happily and have made this country their home and they do not like to go back. I do feel that this matter must be gone into very thoroughly before such girls are given back. I know that it is also thought that such girls who refuse at first to go back may do so because they are afraid that their people in Pakistan may not welcome them back. But I feel that there must be some girls at least who have

settled down happily here and who feel that this is their home and they have now got their roots here having one or two children by this time and that they would like to stay on here. So I hope the hon. Mover will see how this question can be thoroughly gone into with regard to those who do not want to go back and also with regard to powers that are given to the Police. I am very sorry that some of the members said that there should be retaliation. I think that is a most inhuman thing to do because after all if two Governments are not agreeing with each other, that is not the fault of these innocent girls who have been victims of cruel circumstances. We should think not in terms of retaliation at all and we must do all that we can to see that the girls who had been brought here and who want to go back should be sent back but at the same time I do feel that we must see and do everything in our power to see that our girls who have been taken away to Pakistan should also be returned as quickly as possible and as far as possible. It is not very gratifying to note that while we have sent back so many abducted girls, that there have been so few who have been returned to India. I feel that we must be more vigilant about this matter and our Government must see that those girls also are taken care of with equal zeal that we are taking of the girls who are in this country because if the girls who have come here from Pakistan are unhappy in this country, surely it is only reasonable for us to think that our girls who have been abducted and taken to Pakistan may be equally unhappy and may be wanting to come back to our country. So I hope the Government will see that equal zeal is used for bringing back our girls.

There should be no question of retaliation. It is not because of the fault of these girls that the Governments do not agree. Government may not do things that we wish them to do and if Pakistan Government is not carrying out the moral obligations that they are supposed to, it is not the fault of the girls and we must not victimize them more than they have already been victimised and with these few words I would like to support the amendment which has come in the name of Shrimati Durga Bai and Shri R. K. Sidhva about the Act remaining in force up to 31st March 1951 as I feel a time limit is needed and we cannot go on having such a Bill for all time to come and I hope the hon. the Mover will accept that amendment also.

With these few words, I fully support this Bill.

Pandit Hirday Nath Kunzru (U. P. :General): Sir, I agree with the hon. Mover of the Bill that it falls upon us to discharge a great moral duty. We cannot refuse to fulfil our obligations because others decline to fulfil theirs.

I think our complaint against Pakistan for the virtual non-observance of the agreement arrived at between them and the Government of India for the recovery and restoration of the abducted persons in Pakistan is justified. Nevertheless, we have to act in accordance with those principles which have always guided our conduct, and which I hope, will always be followed by us, whatever the circumstances in which we may be placed. We have to act as human beings and we must do all we can to restore the helpless and innocent victims of the evil passions of human beings, to their relatives, and to enable them to follow an honourable life.

I do not, however, share Mr. Gopalaswami Ayyangar's hope that the enactment of the measure before us will be of any value to us in the restoration to us of the men, women and children who are being detained by their abductors in Pakistan. My hon. friend said yesterday that this Bill was meant to keep alive this agreement between Pakistan and India. But that agreement is lifeless, it is dead. It has been killed by Pakistan. I do not, therefore, think that that can be an argument in favour of the Bill, that it will keep alive the agreement. It is true that we shall be able to ask Pakistan once again to do

[Pandit Hriday Nath Kunzru]

the duty that it has evaded so long, but I doubt whether anything that we do, will bring about a change in its present state of mind, and make it think that it is not an act of merit, but of degradation, to keep unwilling persons within its own territory, and to compel them to give up their own religion and embrace Islam.

Sir, the next weakness of the Bill in my opinion is that it is of unlimited duration. Obviously a time will come when persons who are living here may become used to their condition of life and they may contract such responsibilities as would make it impossible for them, even if facilities are offered to them, to leave this country. I think, therefore, that it is necessary that a time limit should be provided and the Bill should be in operation for two or three years only. I do not think that it will be possible for the Government, I mean, I am

[At this stage Mr. Deputy Speaker vacated the Chair, which was then occupied by Shri S. V. Krishnamoorthy Rao (one of the Panel of Chairmen).]

sure it is not the intention of the Government of India to be continually in search of persons abducted in 1947, to be always in search of persons abducted in 1947 or 1948. The search must come to an end some time or other, and I think if we limit the life of this Bill to two or three years and in the meantime, make a vigorous effort to recover the abducted persons, we shall have done all that we could morally be expected to do.

The second weakness of the Bill lies in the definition it has of an abducted person. The definition of an abducted person includes children born to that person while in India. When this question was raised yesterday, you, I think, asked my hon. friend Pandit Thakur Das Bhargava whether a man who had abducted a woman could claim to be called the father of the offspring of the union. It is true, Sir, that the conduct of the abductor cannot be commended. He has been guilty of a highly reprehensible conduct, conduct that has put his country to shame. But let us look at the question from the point of view of the abducted woman. The children to her are a sign of the humiliation to which she has been subjected for a year or two. From her point of view the children are unwanted, and if she returns to Pakistan with these children, I think we may feel almost certain that they will not be treated as members of their mother's family. In all probability, they will be sent to an orphanage. Why should they not then be retained in this country, where their father, whatever his original conduct might have been, is prepared to claim them as his own and to bring them up in the best way he can? Sir, I think.....

Shrimati G. Durgabai (Madras: General): May I know what happens to the children in a case where their father has got other children by other wives or wife?

Pandit Hriday Nath Kunzru: What happens when a man with half a dozen children marries again after the death of the wife. The children of the new union are brought up in the same way as the children of the previous union.

Shrimati G. Durgabai: But unfortunately there are cases where there has been no marriage in terms of the law.

Pandit Hriday Nath Kunzru: I do not know whether there is a regular marriage or not; but I understand that in many cases the Muslim women have been converted to Hinduism and have been regularly married. In those cases where there have been no regular marriages, action can be taken to remove the stain of illegitimacy, the blot of illegitimacy from them. And moreover, the children are considered illegitimate children whether they remain in India or in Pakistan. The argument, therefore, put forward by the hon. Mrs. Durgabai is of no special force. It will apply wherever the children may be.

I think the argument which I have put forward has a great deal of force. The Government cannot justifiably decline to so modify the definition of an abducted person as to treat the children born to a woman after her abduction as the legitimate children of their father. They should not be regarded as abducted persons.

Another point which calls for attention is that the Bill as it is has made the duty of the tribunal undesirably narrow. The tribunal's only duty is to decide whether a person was abducted or not. It is quite possible that an abducted woman, whatever her feelings might have been when she was abducted, has reconciled herself to her lot and is not prepared to go back to her relations in Pakistan. But I am glad to note that my hon. friend Shri Gopalaswami Ayyangar has given notice of an amendment that will rectify the omission to which I and many previous speakers have drawn attention.

Lastly I should like to refer to the power given to an officer of the rank of an assistant sub-inspector of police to enter any house in search of abducted persons and to call upon any female person he likes to help him in the discharge of his duty. I realise that the search for abducted persons cannot be carried on in accordance with the ordinary legal procedure. If Government were to wait till they had a warrant from a magistrate, it is quite possible that the abductor getting scent of the action proposed to be taken by Government might remove the abducted person to another place. But I think it is not desirable that a subordinate officer like an assistant sub-inspector of police should have the wide powers that he will enjoy under the Bill. I think that reference at least to a sub-inspector of police is necessary. I have no doubt that Shri Gopalaswami Ayyangar will be able to refer to many provisions of the law where sub-inspectors enjoy considerable powers. But since Government are departing from the ordinary legal procedure in this matter by not waiting for warrants issued by magistrates before searching a house, they might as well depart from it in certain other respects too. It is a serious position. It is not impossible that a subordinate police officer may be tempted to use the powers conferred on him in an oppressive manner. The Bill requires so to be amended that power may be taken out of the hands of the lower officers. As I have already said no officer less in status than an inspector of police should be given the power to search a dwelling house or other premises to take abducted persons into custody.

These are all the suggestions I have made. There is nothing novel in them. They have been referred to by other speakers. Hon. Members have expressed the same opinions on many features of the Bill in order to impress the Government with the strength of their objections to some of the present provisions of the Bill before the House. My hon. friend Shri Gopalaswami Ayyangar has given notice of several amendments but they do not go far enough. If he accepts two or three more amendments, particularly those relating to the limitation of the Bill and the modification of the definition of an abducted person, I think in such a form the Bill will be more acceptable to the House.

Shri Brajeshwar Prasad (Bihar: General): With your permission, Sir, I seek an elucidation from my hon. friend. Suppose in an interior village in U. P. an assistant sub-inspector of police comes to know.....

An Honorable Member: Say Bihar.

Shri Brajeshwar Prasad: Why not U. P.?

Shri Mahavir Tyagi (U. P.: General): There is no assistant sub-inspector in U. P.

Shri Jaspat Roy Kapoor (U. P. : General): The Bill does not apply to Bihar.

Shri Brajeshwar Prasad: This does not apply to Delhi town only. Suppose an assistant sub-inspector of police comes to know of an abducted person, is that police officer to write to the superintendent of police to come over and rescue the abducted person?

Pandit Hirday Nath Kunsru: I will put another question to my hon. friend. Supposing a policeman goes to a village or a village chowkidar in the course of his rounds comes to know that there is an abducted person in a house, will he be empowered by this Bill to enter the house and take the abducted person into custody?

Shri Brajeshwar Prasad: You can suggest amendments.

Pandit Hirday Nath Kunsru: Will he then not communicate with his superior officers so that such steps might be taken as will be justified by law to make a search of the premises and take the abducted person into custody?

Pandit Thakur Das Bhargava: Assistant sub-inspectors are attached to the same thanas as sub-inspectors. There is no difficulty.

Shrimati Renuka Ray (West Bengal: General): Sir, I do not want to make a long speech but I feel that I must make a few remarks, particularly after the speech made by the hon. Member Shri Brajeshwar Prasad yesterday. I do not think there is any right-minded man or woman in this country who does not support the stand that has been taken by my hon. friend Shri Gopalaswami Ayyangar and who wants any retaliation measures. India is not going to succumb to the ideas of Pakistan. India has her own objectives and standards and whether Pakistan comes up to them or not, it does not mean that India is to go down to the level and the lack of moral standards displayed by Pakistan.

At the same time, while I do support this Bill I also feel that one has to be very cautious in one's approach lest in our zeal to do the right thing, to do justice, we might even overstep the mark. Yesterday my hon. sister, Shrimati Purnima Banerji brought up a point which, I think, was very valid. I do not understand why it was that my hon. friend Mr. Brajeshwar Prasad misunderstood it. She did not speak about concubines or mistresses. She was referring to the fact that after a lapse of time has taken place after these marriages—which are marriages of honour and dignity.....

Shri Brajeshwar Prasad: These marriages are not recognised by law.

Mr. Chairman: Order, order.

Shrimati Renuka Ray: After all in some cases legalised marriages do take place and we have to be very cautious to see that such women who do not wish to cancel such a marriage after so much time has elapsed are not due to our overzealousness also sent back. Amongst a hundred cases there may be just one case like that. Even so we must be very careful about it. I would particularly request the hon. Minister to take note of this suggestion that on the Tribunal that is appointed there should be at least one woman of understanding and imagination who could look into these cases with great care and attention. It is not the intention of anyone, particularly of those courageous women—the social workers who have been working in this field—to send back any woman who does not wish to go. Therefore I would suggest that great care be taken in regard to this matter and the Tribunal is constituted in such a manner as to ensure that there is not one case in which a woman is sent back who does not wish to go back. We have heard that there have been such cases and that is very

distressing indeed. I think that even at this stage it is possible for the Minister to give an assurance that the Tribunal will be constituted in such a manner that we in this House can feel assured that every case will be sympathetically considered in the manner I have suggested.

In regard to the power given to Sub-Inspectors of Police I too do not feel very happy about it. But I do realise that very great difficulties arise when attempts are made to rescue abducted women. I have some experience of this myself, after the Noakhali riots. I therefore understand how very difficult it is to get back the women unless there are people more or less on the spot capable of taking action. But neither do we want that Sub-Inspectors of Police be so empowered that they can take advantage of the situation. I do not quite understand how we can overcome this difficulty. But I do think that if this Tribunal is properly constituted, if it consists of people with imagination and understanding, and if there is a woman on it who understands women's problems—such a woman will be able to understand whether the rescued women want to go back or not, much better than men can do—I think perhaps it will meet to a great extent the objection to this Bill. At the same time I suggest that a time-limit must of course be fixed and, I hope the hon. Minister will accept the amendment to this effect.

I do not want to take up any more time, but I want to reiterate again that what was said by my hon. friend Shrimati Purnima Banerji should not have been misunderstood that as cases of the kind she has mentioned have taken place, it is essential that we be careful and cautious while we give our support to this Bill.

Shri C. Subramaniam (Madras: General): Sir, I move:

"That the question be now put."

Mr. Chairman: Closure has been moved.

The question is:

"That the question be now put."

The motion was adopted.

The Honourable Shri N. Gopalaswami Ayyangar: Sir, I do not wish to make any long speech at this stage in reply to the debate that has taken place. On the whole I am glad that the principle and the spirit underlying this Bill have been welcomed generally and that criticisms have been directed only towards particular portions of the Bill. When the first reactions to this Bill became known to me I examined its provisions carefully with reference to those reactions, and I came to the conclusion that there were parts of the Bill which required amendment in order to bring the provisions of the Bill into line with reasonable views thereon. And I am glad to note that in the course of this debate the main and most important provisions of the Bill have not been attacked. A certain number of provisions have been criticised and the amendments of which I have given notice in order to meet those criticisms have also been welcomed. It has, however, been suggested that I have not gone far enough in the way of agreeing to amendment of the provisions of the Bill. I shall certainly deal with such amendments when they are brought up for consideration in the course of our discussion of the clauses of the Bill. At this stage I wish only to refer to a few of the more oft-repeated criticisms against certain aspects of this Bill and the policy that underlies it.

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A great deal has been said about the failure of Pakistan to implement the provisions of the agreement that was entered into between the two Dominions in the way in which it has been done by India. That there is some amount of substance in that criticism nobody can deny. I myself drew attention to this aspect of the matter yesterday. But hon. Members have gone further and said that the attitude and the action that the Government of India have adopted in connection with the implementation of this agreement have been characterised by weakness, that we have not done all that we should have done, and so on. I cannot remember, however, that any hon. Member suggested any concrete action which in his opinion ought to have been taken by the Government of India but has not been taken.

There was only one suggestion that was made by more than one speaker. My hon. friend Pandit Thakur Das Bhargava suggested that there was no harm in looking upon the Muslim girls recovered in India as a kind of hostages whom we should hold in custody till the other Government found themselves able to recover non-Muslim girls in their territory and were in a position to make them over to us or to make them over in sufficient numbers to us in order to justify our making over the Muslim girls recovered in India. That suggestion, though as a matter of political action might find favour with some individuals, is not a policy which, in a case of this sort, a civilised Government, as I said yesterday, should adopt. That is why the Government of India have set their face throughout against anything which implies a policy of retaliation in dealing with this question. I can understand hon. Members suggesting to the Government of India that they should apply a certain amount of pressure in order to make Pakistan do more than she has done in the past. The Government of India have always kept this before their mind's eye. In all the action that they have taken in this matter, involving as it does purely humanitarian considerations, involving a duty that the Government of India owe to unfortunate Muslim girls who had been the victims of what one hon. Member very correctly characterised as the evil passions of malefactors in this country, so long as they recognise that duty it is a wrong, a grievous wrong which we shall be doing to these recovered girls if we hold them in our custody for any considerable time, beyond the time in which we should have restored them to their original relations, merely because certain other girls who had been similar victims in the other Dominion had not been recovered and passed on to us. It is inhumane action and I think the Government of India can never depart from the policy that they have followed in this connection so far. Now, short of that and short perhaps of war, which Rama waged against Ravana for the recovery of Sita, short of that, we can only attempt in the case of another sovereign country to persuade that country so to act in connection with this matter as would be consistent with its claim to be a civilised Government. And that is what we have always tried to do.

As regards weakness on the part of the Government of India, the charge is very easily laid in such matters, but hon. Members unfortunately forget that this is a matter which has to be negotiated between two sovereign Governments and we can only attempt those processes of negotiation and persuasion which can be adopted in such situations for the purpose of bringing the other country into line with correct policy.

Shri Agha Bai Shastri (U. P. : General): May I know if persuasions and negotiations fail shall we keep quiet or shall there be any way other than this open for us to claim the releases of those sisters and daughters of ours who are lying helpless there in Pakistan?

An Honourable Member: What is your suggestion?

Shri Agha Bai Shastri: Open war if need be.

Some Honourable Members: No, no.

Shri Alga Bai Shastri: I say open war with all responsibility.

The Honourable Shri N. Gopaldaswami Ayyangar: Sir, if I may say so, that is a very brave suggestion to make and I compliment my hon. friend upon having the temerity to suggest that in this connection. But let us remember that in this particular case we are not monopolists of virtue and the people in the other Dominion are not the monopolists of vice—we are as guilty as they have been and if war can be declared by us on Pakistan, Pakistan can well claim to declare war against us.

Sardar Bhopinder Singh Man (East Punjab: Sikh): It has already declared war against us.

Shrimati Benna Ray: But our Government is making a genuine attempt to return the girls whereas the same genuine attempt is not made by the Pakistan Government?

The Honourable Shri N. Gopaldaswami Ayyangar: Everybody agrees so far as that statement is concerned. The difference is only as regards the methods that we should adopt. Let us go on doing our duty and when we have fully discharged it let us by all means perhaps cite Pakistan before the world as a country which does not respect moral obligations, which will not do all that is possible and practicable for her to do in order to implement the terms of the agreement literally. I said yesterday that so far as those who are responsible for policy in Pakistan are concerned, I have always met with the fullest co-operation. The implementation of that policy has unfortunately to be left in the hands of subordinate officials. The implementation can be successful only if the Government can carry the people with them. Unfortunately, I must say that while I have a good word to say in favour of the Government of Pakistan, the attitude of the people of Pakistan in this particular matter has been the very reverse of being helpful till quite recently.

Pandit Thakur Das Bhargava: If it is true that 2,000 girls are in the possession of Government servants, how can you justify it?

The Honourable Shri N. Gopaldaswami Ayyangar: At the time of the Inter-Dominion Conference in Karachi, I spoke rather severely to those in authority in Pakistan about the poor results of recovery action in Pakistan.

Shri Ajit Prasad Jain (U. P.: General): Words break no bones.

The Honourable Shri N. Gopaldaswami Ayyangar: At present I am not one of those who would advise India to break the bones of Pakistan—I do not think we have reached that stage so far as this matter is concerned. I do think that we can get tangible, substantial results by continuing the policy that we have been adopting hitherto. I should like to read to you a few sentences from correspondence which has passed between me and the Minister in charge of Recovery of Abducted Women in Pakistan. I complained to him of the poor recovery and the only thing I got from him was:

"I may assure you that we are trying to do our very best to effect recoveries and I shall be glad to discuss any suggestions which you may wish to make in this connection."

and to that I replied:

"It is a matter of immense surprise to me that the phenomenally poor recovery of abducted persons in W. Punjab and other parts of Western Pakistan should be sought to be explained away in the manner indicated in your letter. Recoveries in Pakistan during the past six months have been only about one-eighth to one-tenth of the recoveries made in India. To seize upon this fact as an indication that the number of abducted persons to be recovered in India.

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is about eight to ten times the number to be recovered in Pakistan is to take a wholly unrealistic view of actual facts. It is rather indubitable proof that this work is not attended to in Pakistan with the seriousness and energy it demands. The recoveries on our side in recent months have been as good as they have been because of the efficient machinery which we have set up for this purpose regardless of the heavy expenditure involved and of the enthusiasm and energy that our workers have put into this work. The recoveries in Pakistan have been so disappointing because of lack of sufficient staff, of absence of enthusiasm in the staff that is in charge of the work and of a certain pronounced apathy towards this work on the part of the public. I am glad, however, to notice that the Muslim League in West Punjab has, in the last few days, evinced an active interest in this work and I hope the appeal issued by its leaders will produce better results in the near future."

I wound up by saying:

"In the name of humanity, I would earnestly urge upon you the imperative need for speeding up this work. The extremely poor results in Pakistan are having the most prejudicial reactions on public opinion in India which is becoming restive and might express itself in ways which will prejudice the good work that is being done here."

Shri Mahavir Tyagi: Very good.

The Honourable Shri N. Gopalaswami Ayyangar: They are hard words, but some hon. Members may think they would not break any bones. But I do think that since that correspondence took place, there has been a slight improvement in the work that is being done in Pakistan and I will continue to express the hope, in spite of what my hon. friend Pandit Kunzru has said, that things will look a little better in the future so far as recoveries in Pakistan are concerned than they did in the past.

An Honourable Member: On what date was that letter issued?

The Honourable Shri N. Gopalaswami Ayyangar: I cannot find the date. It was quite recently I think.

Shri Suresh Chandra Majumdar (West Bengal: General): You stated that about 2,000 of these unfortunate women are in the possession of Government servants in Pakistan. It may be said by the Pakistan Government in respect of the others that they are not being helped by the public and that that is one of the causes for the slow recovery, but what about these 2,000 women who are in the possession of Pakistan Government servants?

The Honourable Shri N. Gopalaswami Ayyangar: That figure of 2,000 was based upon information which had been supplied.....

Shri Suresh Chandra Majumdar: I do not mean the figure.

The Honourable Shri N. Gopalaswami Ayyangar: Please listen to me. That figure was based on information supplied to us and we passed that on to them and we expect that everyone of those 5,000 cases in respect of which we furnished clues of which we had been put in possession will be investigated. I am not in a position yet to inform the House as to how much of this information has been verified in Pakistan and what the results of that verification are. When I get that information, I shall certainly take the House into full confidence about it.

Now, all this thing about what happens in Pakistan, let me point out to the House, is absolutely irrelevant to the Bill that I am asking the House to pass. That Bill has reference to the legal authority that we should have and the procedure that we should follow in India for the purpose of recovering abducted Muslim girls who are still to be found in India. I was only mentioning this thing in reply to the suggestion of hostages.

There was one other point which has emerged from this debate. An hon. Member attempted to make it out that the staff engaged on this work has been pushing into Pakistan some women who are unwilling to go there. Let me

assure the House that I have not come across a single case of an adult abducted woman who had been recovered and who was pushed into Pakistan against her will. It is true that when she is taken first into custody, her wishes are not taken into account. The idea is that in the environment that she is in at that moment, she is not a free agent, she has not got the liberty of mind to say whether she wants to leave that environment and go back to her original environment or whether she should stay here. For that reason, her wishes are not taken into account at that stage, but she is brought into a camp. Then attempts are made to put her relatives in touch with her and when the environment has changed in that way, she has the liberty to say what she likes. If she says, "I have been in the midst of my relatives, but I want to go back to the person from whose house you took me." If she says that nobody pushes her into Pakistan. Even if she has been taken to the Lahore camp for the purpose of being put into contact with her relatives, if she says she does not want to go back to her relatives, she is brought back to India and set free.

An Honourable Member: What is the number of such cases?

The Honourable Shri N. Gopalaswami Ayyangar: The unfortunate part of it is there has been hardly any case where after these women were put in touch with their original fathers, mothers, brothers or husband, any one of them has said she wanted to go back to her abductor—a very natural state of feeling in the mind of a person who was, by exercise of coercion, abducted in the first instance, and put into a wrong environment.

Pandit Balkrishna Sharma (U. P. : General): On a point of information, may I know the number of women who have been brought back from the Lahore camp because they refused to go back to their relatives?

The Honourable Shri N. Gopalaswami Ayyangar: I have answered that question. I am not aware of a single case where, after the woman was brought into contact with her original husband or father or mother, she has expressed a wish to go back to her abductor. That I said is perfectly natural.

Shri Ajit Prasad Jain: Has there been any case of a non-Muslim woman who was taken to the Jullundur camp who wanted to go back to her abductor in Pakistan? I want to know the position the other way.

The Honourable Shri N. Gopalaswami Ayyangar: I am not aware of any such case either. (*Shri Mahavir Tyagi: Girls have no mind. They adjust themselves to whosoever they are with.*)

I want to assure Mrs. Renuka Ray and Mrs. Purnima Banerji that there is no such case where a woman after she has been taken away from her abductor and put in new environment and has expressed her willingness to remain in India—which she is perfectly at liberty to do—has been pushed into Pakistan. Nobody has pushed such a woman into Pakistan.

Then, there was something said about the Assistant Sub-Inspector. The Assistant Sub-Inspector, I take it, is a person in charge of a Police Station. Ordinarily, according to the procedure that is followed, he acts upon information which is supplied to him by a social worker and our social workers are very carefully chosen. They give him the information. It is possible that, under the law, he could act even in the absence of information from a social worker. He might get information on his own. But you have to remember that if a person who is in charge of a police station gets information, the law allows him to make a search. You need not always suspect him of being anxious to abuse his authority, and in this particular matter, as some hon. Members have

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already pointed out, it is not desirable that there should be delay between the receipt of the information about the concealment of an abducted woman and her recovery from the place where she is hidden.

And I think it makes for the success of this work that this power should be with the officer who is ordinarily in charge of a police station.

5 p. m. What will happen if you give the power to the Inspector of Police? You will lose all the advantages that you have of recovering these women quickly with the help of an officer who has the power and who might be expected to be more or less on the spot.

Now the other point that was mentioned was about the constitution of this Tribunal. There was a suggestion that it should consist of Judges. Some hon. Members did not quite appreciate that suggestion. There was another suggestion that it should include a matronly woman as member. I quite sympathise with it. I think the presence of a matronly woman may make for a more human approach to this problem. I quite realise that. But, so far as the law is concerned, the constitution of this Tribunal is left to rules and it is important in this matter, as in other matters in connection with this Legislature, that when we change the constitution of this Tribunal it should be by agreement between the two Dominions. And I can only give this assurance that this particular suggestion I will try to take up with the Pakistan Government and, if it is possible to come to an agreement upon it, we shall make the necessary changes in the constitution of the Tribunal.

Mr. Chairman: Does the hon. Minister intend to finish his speech today? How long does he expect to take?

The Honourable Shri N. Gopalaswami Ayyangar: If we are not going on with the clauses today, then, perhaps, if you give me ten minutes tomorrow morning, I will finish it.

Shri R. K. Sidhya: (C.P. and Berar: General): Let us finish it today, Sir.

Some Honourable Members: No, we have the party meeting. This Bill may be taken up tomorrow.

The Honourable Shri N. Gopalaswami Ayyangar: May I ask, Sir, whether it is your intention to finish the consideration of the clauses also?

Mr. Chairman: No; the clauses will be taken up tomorrow.

The Honourable Shri N. Gopalaswami Ayyangar: In that case I would very much like to take ten minutes of the time of the House tomorrow morning.

Mr. Chairman: The House stands adjourned till a quarter to eleven of the clock tomorrow.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Saturday, the 17th December, 1949.