

Friday
9th December, 1949

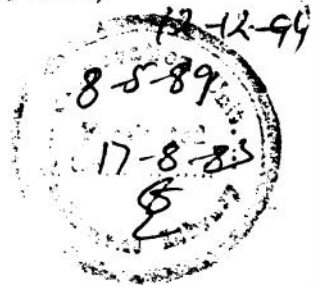
THE
CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE) DEBATES

(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, 9th 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

IMPORT OF POTATOES

*455. **Shri B. K. Sidhva:** (a) Will the Honourable Minister of Commerce be pleased to state whether it is a fact that Government imported certain quantity of potatoes from Italy recently?

(b) If so, what was the quantity and at what rate was the order booked and what was the landing cost at Bombay?

(c) Is it a fact that a large quantity deteriorated before landing and if so, what was the quantity?

(d) What was the cause of damage and were the goods insured against such damage?

(e) On whose account were these goods imported and is the amount recoverable from the provinces?

The Honourable Shri K. C. Neogy: (a) No potatoes were imported on Government account.

In view of my answer to part (a) I take it the Honourable Member will not expect me to answer (b), (c), (d) and (e).

Shri B. K. Sidhva: Can the Honourable Minister enlighten the House whether any potatoes were imported by commercial firms?

The Honourable Shri K. C. Neogy: Yes, there has been some amount of importation of potatoes on commercial account.

Shri B. K. Sidhva: May I know whether the attention of the Government of India was drawn by the Bombay Government as regards the questions which I have raised in parts (c) and (d)?

The Honourable Shri K. C. Neogy: No. As a matter of fact, that would not affect the Commerce Ministry. If any reference had been made by the Government of Bombay it must have been made to the Food Ministry.

Shri Mahavir Tyagi: May I know why the import of potatoes was permitted when there were enough potatoes in the country?

The Honourable Shri K. O. Neogy: My honourable friend's assumption may not be quite correct, because I find that even from the pre-war years there has been considerable importation of potatoes. Every year there has been quite a considerable amount of potatoes imported, particularly for the benefit of Bombay Province and certain neighbouring areas.

Shri Krishna Chandra Sharma: May I know what is the quantity of potatoes imported from abroad?

The Honourable Shri K. O. Neogy: During the year 1948-49 the potatoes imported were worth Rs. 54,77,367.

Shri V. I. Munishwamy Pillay: Are Government aware that potatoes from Italy are brought in ships as ballast and sold at Bombay which is detrimental to the marketing of potatoes produced in this country?

The Honourable Shri K. O. Neogy: I have no information on that point.

Sardar Bhopinder Singh Man: What are the different countries from which potatoes are imported?

The Honourable Shri K. O. Neogy: Mainly from Italy.

Shri S. Nagappa: May I know whether any potatoes were imported from Nepal?

The Honourable Shri K. O. Neogy: I am not aware of any such importation.

Shri S. Nagappa: Will Government consider the desirability of importing them from Nepal as Nepal is nearer to us than Italy?

The Honourable Shri K. O. Neogy: This is primarily a matter for the Food Ministry. As a matter of fact, if potatoes are available in Nepal there is no reason why we should not import them from there. There is no bar to that.

Shri H. J. Khandekar: Is there any increase in the production of potatoes in this country since the Government started the Grow More Food Campaign?

The Honourable Shri K. O. Neogy: I have given the import figure for this particular year, but on a reference to the previous years I find that the quantities were not so much in the two previous years. So far, however, as the particular point raised by the Honourable Member is concerned, he may as well address the Honourable the Minister for Agriculture.

Shri B. P. Jhunjhunwala: May I know whether it is seed potatoes or edible potatoes which are imported?

The Honourable Shri K. O. Neogy: Both.

Shri Mahavir Tyagi: Is it the policy to ban the import of potatoes in future?

The Honourable Shri K. O. Neogy: No. That is not the present intention.

Shri V. I. Munishwamy Pillay: May I know whether Government have received any representation from the growers and merchants of the Madras Province to ban the importation of potato from Italy?

The Honourable Shri K. O. Neogy: I am not aware of any such representations, but they might have been addressed to the Food Ministry.

Shri Raj Bahadur: Are Government taking any steps to make the country self-sufficient in potatoes?

The Honourable Shri K. C. Neogy: I am afraid that is a question which should be addressed to my honourable colleague the Minister for Agriculture.

Shri Sri Narayan Mahtha: May I know what steps Government are taking for the refrigeration and cold storage of potatoes?

The Honourable Shri K. C. Neogy: That again is not a matter in which I am primarily concerned.

Shri Kishorimohan Tripathi: Is it a fact that there has been a progressive decrease in the quantity of imports from year to year?

The Honourable Shri K. C. Neogy: Not that I know of, because the figure that I have given is pretty large and the figures for the immediately two preceding years were lower than that.

Shri Mahavir Tyagi: May I know if there is any plan according to which articles and commodities are to be imported in future?

The Honourable Shri K. C. Neogy: That raises too general a question. But undoubtedly all our imports and exports are controlled to varying degrees.

Shri Raj Bahadur: May I know whether the shortage in potatoes has occurred only after Independence or whether it was existing before Independence also?

The Honourable Shri K. C. Neogy: In pre-war years the importation was very heavy.

Shri Raj Bahadur: Can he give the actual quantity imported before Independence?

Mr. Deputy-Speaker: Possibly he would like to have notice for that.

Shri R. K. Sidhva: Sir, I wish only to point out that I addressed this question to the Food Minister and the office has changed it to the Commerce Minister. This complication has arisen out of that and the information is not available.

Mr. Deputy-Speaker: It was under instructions from the Ministry that it was done. But in regard to whatever has been left over, the Honourable Member may kindly put a question to the Food Minister.

Shri R. K. Sidhva: Now?

Mr. Deputy-Speaker: Not now, later on.

STEEL FACTORIES

*456. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Industry and Supply be pleased to state whether Government have taken final action regarding the location of two-plant scheme steel construction factories?

(b) If so, which places have been decided and what will be the cost of each plant?

(c) Is it contemplated to give contracts for the construction of the factories and if so, have any tenders been invited?

(d) Do Government intend to place any orders in India?

(e) If so, what are the names of the firms and what is the amount of each contract?

(f) Will this scheme be affected by the drive for retrenchment in Capital Goods?

The Honourable Dr. Syama Prasad Mookerjee: (a), (b) and (f). I would refer the Honourable Member to the reply given by me to parts (c), (h) and (i) of Starred Question No. 358 on the 6th December, 1949.

(c), (d) and (e). These matters are still under consideration.

Shri E. K. Sidhva: May I know whether Government are negotiating with a Calcutta firm for the purpose of construction of the refractory in this connection at a cost of nearly Rs. 2 crores?

The Honourable Dr. Syama Prasad Mookerjee: As I said, Sir, the matter is under consideration.

Shri E. K. Sidhva: My question was whether Government are negotiating with any Calcutta firm for the two crore refractory plant to be put up for this steel factory, for manufacturing bricks.

The Honourable Dr. Syama Prasad Mookerjee: We have not yet decided when the steel factory will come into existence.

Mr. Deputy-Speaker: They have not even decided about the erection of the steel plant.

Shri Suresh Chandra Majumdar: May I know, Sir, what any Calcutta firm has got to do with this?

Mr. Deputy-Speaker: Buildings are necessary for the factory and the Honourable Member was putting a question on that point. I would suggest to the Honourable Member that when particular matters are under negotiation, to take up one item and ask questions. I do not think it is right or it will be in the public interest to ask whether individual concerns have been given any contract and so on before the negotiations themselves are finalised. It may stand in the way of the negotiations being completed.

Shri E. K. Sidhva: I wanted to know whether Government have abandoned the idea of erecting these two steel plants, whether they intend to give the work to a foreign firm or whether Government have changed their plan and want to give it to some other firm.

The Honourable Dr. Syama Prasad Mookerjee: So far as the steel plant is concerned, as I answered the other day, it will cost us about Rs. 90 crores per plant, which means about Rs. 180 crores if both the steel plants are established. Naturally this is a matter which has to be very seriously considered by Government in view of the present financial position. We have not considered any other aspect of the matter.

Dr. P. S. Deshmukh: May I know if steel factories are regarded as key industries and if so has the Honourable Minister been able to secure the highest possible priority for the establishment of these factories?

The Honourable Dr. Syama Prasad Mookerjee: The main difficulty involved is the key to finance.

Shri H. V. Kamath: Is it not a fact that Government have already decided to set up a steel plant in the Central Provinces?

The Honourable Dr. Syama Prasad Mookerjee: We have decided that the two steel plants should be located in C.P. and Orissa and we have given C.P. the first preference. But it all depends as to when the plant will come into existence.

Shri S. Nagappa: When these two plants are brought into existence will they meet the entire demand of the country or reduce the percentage of imports into this country? If so, by how much?

The Honourable Dr. Syama Prasad Mookerjee: It will not completely meet the demands of the country.

Shri S. Nagappa: To what extent will it reduce imports?

The Honourable Dr. Syama Prasad Mookerjee: If the plant produces one million tons, imports will be reduced considerably.

Shri B. K. Sidhva: What is the producing capacity of these two steel plants and what will be the amount to be invested on them, compared with the capacity and investment of the Tatas and the Bengal Steel Corporation?

Mr. Deputy-Speaker: For the time being it appears the whole scheme has been suspended.

Shri B. K. Sidhva: Sir, the scheme has been approved of, the question is one of finance. I want to know whether the outlay and the producing capacity will be comparable to the existing plants.

The Honourable Dr. Syama Prasad Mookerjee: Obviously, so far as the costs of plant and machinery go, they will be much more than what the existing factories had spent. As I have already stated, one factory producing 500,000 tons will cost us in all about Rs. 90 crores which is the figure after devaluation.

Shri B. K. Sidhva: What will be the amounts which the existing companies have invested?

The Honourable Dr. Syama Prasad Mookerjee: That I can't say off-hand.

Mr. Deputy-Speaker: The Honourable Minister has not got comparative figures.

Shri B. K. Sidhva: May I know whether any amount has been spent for the preliminary work, and if so how much?

The Honourable Dr. Syama Prasad Mookerjee: We have only paid for the reports of the consulting experts which has cost us in all about Rs. 4 lakhs.

Shri B. Das: May I know if the Orissa and C.P. plants are on the same priority level or one would get preference over the other?

The Honourable Dr. Syama Prasad Mookerjee: The priority is No. 1 and No. 2: No. 1 for C.P. and No. 2 for Orissa.

Dr. P. S. Deshmukh: May I know if the Honourable Minister is satisfied with the difficulties of finance or is he agitating to give priority to these factories?

The Honourable Dr. Syama Prasad Mookerjee: I believe there the Government will be guided mainly by the wishes of the House.

DISPOSALS

*457. **Shri B. K. Sidhva:** (a) Will the Honourable Minister of Industry and Supply be pleased to state the total amount of articles disposed of from the Disposals from 1st January, 1949 to the end of October 1949?

(b) How many articles are still to be disposed of?

(c) Is it a fact that a Committee was appointed in February 1948 to enquire into the matter and devise means for effecting quick disposal of the goods and if so, what is the result of that Committee?

(d) When do Government intend to close this Department?

The Honourable Dr. Syama Prasad Mookerjee: (a) During this period surplus stores of book-value of Rupees 24·85 crores were sold—as also quantities of salvage and process scrap. The book-value of the salvage stores and process scrap cannot be ascertained. But the sale price realised was Rupees eighty-five lakhs.

(b) Surplus stores of approximate book-value of Rupees 144·7 crores, and 1,20,944 tons of salvage stores and process scrap, of which the book-value cannot be ascertained. It is impossible to give the number of articles.

(c) Yes, a Committee was appointed in February 1948, but not to recommend methods of quick disposal. The Committee was appointed mainly to recommend how the surplus stores could be best utilised in the technical departments of the Central, Provincial and State Departments, in Scientific Laboratories and in Industries.

In this connection I would refer the Honourable Member to the reply given to Starred Question No. 224 asked by Shri B. Shiva Rao on the 16th August 1948. In that reply I gave a summary of the recommendations made by the Committee and the decisions taken by the Government on those recommendations.

(d) So far as can be foreseen the volume of surplus stores left for disposal will be reduced by 50 per cent. by the end of March 1950 and by 80 per cent. by the end of December 1950. Disposal of the stocks now held can probably be completed by the end of March 1951.

Shri R. K. Sidhva: In the last Budget Session the Honourable Minister stated that by March 1950 he is likely to dispose of all these goods and the Department would be more or less closed. Now he states that it would be March 1951. May I know the reason for the extension of this period by one year?

The Honourable Dr. Syama Prasad Mookerjee: I didn't say definitely that it will be March 1950, but I did say that by the end of 1950 about 80 per cent. will be liquidated. The main reason for the delay has been that quite a substantial portion of the stores was also withdrawn for Defence purposes which also was a legitimate purpose. Secondly, we have been anxious not to sell the goods quickly but to see that they are properly distributed amongst Government institutions and departments or amongst private industries who may be able to use them in a proper way. For that purpose a scheme is now in operation and I believe work will now proceed more quickly.

Shrimati Renuka Ray: Will the Honourable Minister please tell us if there is any scheme to close down this Department altogether and give over the stores to the Provincial Governments who may be even in a better position to see that the stores don't deteriorate as they are just now?

The Honourable Dr. Syama Prasad Mookerjee: There are so many assumptions in the question. So far as the scheme for closing down the Department is concerned, Government has a very definite scheme: as soon as the stores are sold out the Department will be closed down. So far as distribution amongst the Provincial Governments is concerned, we are now circularising all the Provincial Governments and asking them to take whatever they want for their own purposes. We are also placing these stores at their disposal at concession rates. We have extended that not only to Provincial Governments but also to institutions of national importance which are doing educational or scientific work.

Shrimati Renuka Ray: Considering that development grants have been reduced in Provinces, would it not be better if the Government of India were to make over these stores free of charge to the Provincial Governments who will be able to see that the stores are actually utilised?

Mr. Deputy-Speaker: That is a suggestion for action.

Shri B. L. Sondhi: Is it not a fact that we are spending about Rs. 12 lakhs a month on this Disposals Department?

The Honourable Dr. Syama Prasad Mookerjee: So far as the establishment is concerned, the total expenditure this year till October is Rs. 1,10,56,131. In 1946-47 it was Rs. 3,30,99,000. During the last three years the expenses have gone down by nearly about Rs. 1,50,00,000. Last year the expenses were Rs. 1,86,40,000. As I said, this year up to October it will be Rs. 1,10,00,000, which means a portion of the staff has been retrenched.

Sardar Bhopinder Singh Man: I would like to know whether there are adequate arrangements for the storage of these disposal goods pending their removal, or are they lying outside in the open?

The Honourable Dr. Syama Prasad Mookerjee: In some places the arrangements are not adequate, it is true, but we are trying to look after them as much as possible.

Dr. P. S. Deshmukh: How do the auction prices compare with the book value?

The Honourable Dr. Syama Prasad Mookerjee: I can give some figures. For instance, from October 1944 to end of October 1949—the five years during which the stocks have been with us—the book value of the British and Indian surplus stores sold was Rs. 171,66,00,000 and the book value of American stores sold was approximately Rs. 170 crores. The total sale price realised has been Rs. 127,50,00,000.

Sardar Bhopinder Singh Man: What is the estimated price of the goods which are yet to be disposed of?

The Honourable Dr. Syama Prasad Mookerjee: The present holdings will be; British and Indian goods Rs. 76 crores, American goods Rs. 26.32 crores and American goods held by Tata aircraft Rs. 41.89 crores.

Shri E. K. Sidhva: May I know whether the Disposals Committee has made a report that a large quantity of photograph materials, drugs and oil papers have been rendered useless because they are kept in the open? Have Government taken any steps and what is the position of these articles at present?

The Honourable Dr. Syama Prasad Mookerjee: We have taken steps. So far as medical stores are concerned worth about a crore and a half, they have been distributed—the bulk of them—to provincial governments according to the requirements of their hospitals.

Shri Krishna Chandra Sharma: What is the sum realized from the disposal of these articles last year?

The Honourable Dr. Syama Prasad Mookerjee: From January to October 1949 the following are the figures:

Book value of British and Indian goods Rs. 15 crores and sale price Rs. 7.95 crores.

American goods, book value Rs. 9.81 crores and sale price Rs. 1.2 crores. Salvage and scrap 85 crores.

The total comes to about Rs. 25 crores book value as against a sale price of Rs. 10 crores.

Shri Mahavir Tyagi: Have instances come to the notice of the Honourable Minister where stores sold by the Disposals Organisation were still in the depot and Government again purchased those very stores at three or four times the cost from the very persons to whom they had sold them?

The Honourable Dr. Syama Prasad Mookerjee: In one or two cases, that has happened. Goods were sold by auction some time ago and then later on when Government wanted to purchase, tenders were invited and the same people quoted rates which were higher than the rates at which they purchased. Of course, one aspect should not be forgotten, namely, these parties had spent lakhs of rupees over the entire stocks and they also lost quite a considerable proportion on some of them.

Shri Mahavir Tyagi: Has the Honourable Minister received information about a lot of thinner (I mean thinner used for polishing) which was sold to a very big firm, which was still in the depot, and the same thinner was again purchased by the Government Department at three or four times the price?

The Honourable Dr. Syama Prasad Mookerjee: I cannot refer to any particular item. If the Honourable Member will give me the details, I shall find out.

Shri Deshbandhu Gupta: Is the Honourable Minister satisfied that this was not by arrangement?

The Honourable Dr. Syama Prasad Mookerjee: It is not by arrangement. Things are sold by tender.

Shri Raj Bahadur: Can the Honourable Minister give us an idea of the loss incurred during storage of these articles?

The Honourable Dr. Syama Prasad Mookerjee: It is very difficult.

Shri S. Nagappa: May I know why Government auctioned these articles when there was a demand for them?

The Honourable Dr. Syama Prasad Mookerjee: When these goods were auctioned, there was no demand. The demand came later on.

Shri S. Nagappa: Could not the Government anticipate the demand?

The Honourable Dr. Syama Prasad Mookerjee: In some cases it was anticipated; in some cases, it was not.

Shri L. Krishnaswami Bhatnagar: The Honourable Minister stated that the book value of American goods was Rs. 9.81 crores but the actual sale price was Rs. 1.2 crores. Are the Government satisfied with the price realized? Why should there be such an amount of disproportion between the book value and the actual sale price?

The Honourable Dr. Syama Prasad Mookerjee: In some cases the American goods were consumer goods which were not of proper value and quite a lot of these consumer goods had also to be destroyed. That is why there is such a big discrepancy.

Shri Mahavir Tyagi: Has any action been taken against any officer who was found dealing in irregular transactions in regard to disposals so far?

The Honourable Dr. Syama Prasad Mookerjee: There have been a number of prosecutions, dismissals and suspensions.

Shri Mahavir Tyagi: That is good.

Shri M. Trumala Rao: Have Government any idea of the time by which this Disposals Organisation will be wound up?

The Honourable Dr. Syama Prasad Mookerjee: I said probably by the end of 1951.

Shri B. K. Sidhva: I do not want to put Question 458. I shall put 459.

WAGES OF LINO-TYPISTS

*459. **Shri B. K. Sidhva:** (a) Will the Honourable Minister of Labour be pleased to state whether it is a fact that lino-operators in the newspaper industry in India are all paid in different systems of wages, namely, fixed and piece-rate system?

(b) Have there been any representation made to Government of India for abolition of piece-rate system and if so, with what result?

The Honourable Shri Jagjivan Ram: (a) Yes.

(b) A representation from an individual was received. It was examined, but the matter was not pursued further as there was no special reason for interference by the Central Government in a Provincial subject.

Shri B. K. Sidhva: Was any representation received from the Press Employees' union in Bombay by the Government of India in this connection?

The Honourable Shri Jagjivan Ram: As I have stated, a representation was received from one individual who is himself a lino-type operator.

Shri B. K. Sidhva: I am not talking of an individual. May I know whether the General Secretary of the Press Employees' Union, 219 Bhutha Nivas, Matunga, Bombay, sent a representation to the Honourable Minister on the 18th April stating his complaints about this method of wages?

The Honourable Shri Jagjivan Ram: As I have stated, a representation was received, but as this question is within the sphere of the provincial governments, it was not thought proper to interfere in that matter.

Shri Deshbandhu Gupta: May I know whether such a matter calls for even the interference of the provincial government? Is it not putting a premium on inefficiency by restricting a certain system that obtains in this industry?

The Honourable Shri Jagjivan Ram: It is a matter of opinion, but I see nothing wrong in the provincial government interfering in such matters.

Shri S. Nagappa: Whether it is the fixed rate system or the piece-rate system, may I know whether the wages that are paid are commensurate with the cost of living and the standard of work turned out by these workers?

The Honourable Shri Jagjivan Ram: That question might appropriately be put to the provincial governments concerned.

Mr. Deputy-Speaker: May I state that Mr. Sidhva has given 7 questions. It is not right that the order paper should be overloaded with more than five questions for each member. It is open to the Honourable Member to choose and he has chosen to drop 458. That completes five questions. Although a number of Ministers have been brought here and waiting to answer all his questions, he has already exhausted his five questions. I understand on a prior occasion the Speaker allowed the Honourable Member to put one of the questions which was his sixth question, but he had made it clear that it was not to be taken as a precedent. I have to follow that ruling and therefore I disallow further questions by Mr. Sidhva.

The Honourable Shri Jagjivan Ram: He has only put five.

Mr. Deputy-Speaker: It is not a question of five. The first five will be answered. It is open to him to give up one question or all the five questions. He would not be allowed to go beyond five.

Shri R. K. Sidhva: If you had told me before, I would not have dropped it.

Mr. Deputy-Speaker: Order, order. It is for the Honourable Member to choose. I have nothing to say. I will pass over the questions of Mr. Sidhva.

GUNITED HOUSES FOR REFUGEES

†460. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Rehabilitation be pleased to state whether Government are aware that Railways have built gunited houses in Bombay from cheap materials for railway employees?

(b) If so, do the Government of India intend to build similar types of houses for rehabilitation of refugees in Delhi and in other places where they control refugee camps?

(c) What is the cost of each such house in Bombay and what is the cost of a prefabricated house which the Government of India contemplate manufacturing in India?

(d) How many refugees are still in Delhi without houses being provided to them?

(e) Have Government provided plots to refugee housing societies and if so, what are their names and what are the areas allotted and if not, why not?

The Honourable Shri Mohan Lai Saksena: (a) Yes.

(b) No, the cost of gunited houses is nearly the same as the cost of traditional houses. Moreover, gunited houses require large quantities of cement and steel which are in short supply.

I may also inform the Honourable Member that the type of houses for displaced persons, is a matter entirely for the Provincial Government, or the individual displaced person to decide.

(c) This question can be answered partly by the Ministry of Railways and partly by the Ministry of Health.

(d) It is not easy to estimate the number. But I may inform the Honourable Member that out of the quota of three lakhs reserved for Delhi nearly 2½ lakhs displaced persons have been accommodated in evacuee and other houses. This leaves a balance of about 50,000; and they will be provided for during the next financial year.

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

(e) 1,230 plots have been allotted to displaced persons, although no land has been so far given to Co-operative housing Societies. This is partly because land is not easily available in the vicinity of Delhi; and partly because Co-operative Societies are not agreeable to develop the land. Discussions are, however, going on with the Societies.

REHABILITATION OF REFUGEES

†*461. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Rehabilitation be pleased to state how many of the refugees originally kept in camps have been rehabilitated?

(b) How many are still without houses?

(c) When are they likely to be provided with permanent homes?

The Honourable Shri Mohan Lal Saksena: (a) The peak camp population was 9,58,000 in May 1948 and it had come down to 6,48,200 at the end of October 1949. No economic census of displaced persons has been taken; and it is not possible to give the required number. But, I believe, about 60 per cent. of them have been rehabilitated.

(b) The required information is not readily available.

(c) A number of housing schemes are in hand all over the country; and, I believe, most of the displaced persons will be able to get roofed accommodation within two years.

CULTURED PEARLS (IMPORT)

*462. **Shri Mahavir Tyagi:** (a) Will the Honourable Minister of Commerce be pleased to state if any licence for the import of cultured pearls from Japan was issued by Government during the current year?

(b) If so, when was such a licence issued, and what was the total cost of pearls imported?

The Honourable Shri K. C. Neogy: (a) Two licences were granted during the current year for import of cultured pearls from Japan.

(b) One licence was granted in January and the other in March 1949, each valid for six months. These licences were granted subject to the condition that the goods will be re-exported, after being processed, to dollar or hard currency areas within six months of the importation and a bond for 300 per cent. of the value for compliance with this condition was taken in each case.

The total import of pearls during January to September 1949 has been for Rs. 59,132.

Shri Kishorimohan Tripathi: Were the pearls re-exported after being processed?

The Honourable Shri K. C. Neogy: The period has not yet lapsed, because the actual importation took place rather late and only in part. So only after the six months period is over that the enquiry will be made and either the penalty will be imposed or the matter would be concluded.

Shri M. Tirumala Rao: Do they require an export licence to re-export?

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

The Honourable Shri K. O. Neogy: I do not think so, because that is a part of the importation.

Megum Aizas Rasul: May I know if there is no market in India for cultured pearls?

The Honourable Shri K. O. Neogy: There may be, but we do not want to encourage the importation of cultured pearls at the cost of our foreign exchange for consumption in India.

Mr. Naziruddin Ahmad: Is it a fact that cultured pearls are only to be used by cultured people?

MEDICINAL HERBS IMPORT

*463. **Dr. Mono Mohon Das:** (a) Will the Honourable Minister of Commerce be pleased to state what are the medicinal herbs and plants that are imported into India for pharmaceutical preparations?

(b) What are their respective costs, quantities and the amount of import duties paid on them?

(c) What are the different herbs and plants that are exported from India and what are their respective costs?

The Honourable Shri K. O. Neogy: (a) to (c). From the Sea Borne Trade of India returns for 1948-49, I find that only Aloe and Sarsapilla are mentioned amongst imports, and only Nuxvomica and Senna amongst exports. I have no doubt various other medicinal herbs and plants are imported and exported, but no separate statistics are maintained. The quantity and value of the items I have mentioned above, imported and exported, are indicated in the Statement I place on the Table of the House (See Appendix XII, annexure No. 1). In the absence of any mention of any specific period in the Question, I have given the figures for 1948-49.

Dr. Mono Mohon Das: May I know, Sir, the amount of dollar earned by these exports?

The Honourable Shri K. O. Neogy: I am afraid I have not got the figures here of the dollar and non-dollar earnings separately.

Dr. Mono Mohon Das: May I know, Sir, whether *isfagul* is included in the list?

The Honourable Shri K. O. Neogy: That is not, I am afraid, indicated separately.

Dr. Mono Mohon Das: May I know whether it will be possible for India in the near future to develop this export into a flourishing one?

The Honourable Shri K. O. Neogy: I hope so.

Dr. Mono Mohon Das: Do Government consider it desirable to give encouragement to this sort of export trade?

The Honourable Shri K. O. Neogy: Surely.

Dr. Mono Mohon Das: In what form do they propose to give encouragement?

The Honourable Shri K. O. Neogy: I should like to consider suggestions from my Honourable Friend.

IMPORTS

† 464. **Shri E. L. Malviya:** (a) Will the Honourable Minister of Commerce be pleased to state what were the main items of import from dollar areas before devaluation?

(b) In how many cases have we diverted the import from dollar areas to sterling areas?

(c) What is the net saving in dollars by this diversion of imports after devaluation?

(d) Have the prices prevailing in the sterling areas shown any rise after the devaluation?

The Honourable Shri K. C. Neogy: (a) I place on the Table of the House a statement giving the main items of import from dollar areas during the period July 1948 to June 1949 immediately before devaluation (See *Appendix XII, annexure No. 2*).

(b) and (c). It is difficult to assess at such an early date the result of devaluation and of the extent of diversion of trade from dollar areas to sterling areas. Our import licensing policy from dollar areas for the July-December 1949 period was framed on the 12th September 1949 just before devaluation and after taking full account of the shortage of dollar exchange which itself led to devaluation. Only such goods are being licensed for dollar areas as are not available from other areas and only to such extent as is essential to meet the country's minimum requirements. I place two statements on the Table showing goods previously licensed for imports from dollar areas which are not now being licensed or are being restricted more severely than in the past. (See *Appendix XII, annexure No. 3*).

The list of articles licensable for commercial imports under the current policy from dollar areas was reviewed immediately after devaluation, but it was decided that no changes were necessary for the reason indicated above. As for licences issued for import from dollar areas in earlier periods before devaluation, it is not as yet possible to state whether importers in possession of such licences would in respect of some of the items prefer not to utilise them and to turn to soft currency sources which may now be able to meet the requirements.

(d) (i) It is difficult to state whether prices generally have shown any rise in the sterling area after the recent devaluation since full statistical data is not as yet available, and secondly, the period of two months is too short for the emergence of any significant changes.

Petroleum products from Middle East sources have, however, registered an increase almost to the full extent of the devaluation of the pound sterling and certain non-ferrous metals have also registered a substantial increase in price since devaluation.

(ii) I place on the Table of the House a statement showing the trend of wholesale prices in the U. K. after the devaluation (See *Appendix XII, annexure No. 4*).

† Answer to this question laid on the table, the questioner being absent.

CONCILIATION BOARD'S AWARD

†*465. **Shri B. L. Malviya:** Will the Honourable Minister of labour be pleased to state:

(a) whether Government are aware that colliery owners have failed to implement the Conciliation Board's Award in several cases;

(b) whether Government are aware of any cases where the advice of the Conciliation Officers and Labour Commissioners have been disregarded by the colliery owners; and

(c) if so, what Government propose to do to implement them?

The Honourable Shri Jagjivan Ram: (a) The recommendations of the Conciliation Board have generally been implemented by colliery managements. There have, however, been a few complaints of non-implementation, but these have arisen largely due to differences in the interpretation of the recommendations of the Board. Where such differences have arisen, officers of the Central Industrial Relations Machinery have tried to conciliate the dispute with a view to bringing about a settlement. In some case they have been referred to Adjudication.

(b) The advice tendered by officers of the Central Industrial Relations Machinery during conciliation proceedings is given due consideration by the colliery managements. Government are not aware of any case where colliery managements have disregarded the advice given by the conciliation officers.

(c) Does not arise.

IMPORTS

†*466. **Shri Ajit Prasad Jain:** Will the Honourable Minister of Commerce be pleased to state:

(a) the names and value of the principal commodities imported from U.S.A. and other dollar areas during the year 1947-48 and 1948-49;

(b) the import of which of these commodities is going to be decreased or stopped as a result of the devaluation of rupee;

(c) the alternative country or countries from where these commodities are intended to be imported; and

(d) the approximate time it will take to effect this change?

The Honourable Shri K. C. Neogy: (a) I place on the Table of the House a statement showing the names and value of the principal commodities imported from the U.S.A. and other dollar areas during the year 1947-48 and 1948-49. [See Appendix XII, annexure No. 5 (statement I)].

(b) Our import policy for the July-December 1949 period for dollar areas was framed on the 12th September 1949 just before devaluation after fully taking into account our dollar exchange position and only such goods are being licensed now as are not available from other areas and only to such an extent as is essential to meet the country's minimum requirements. I place on the Table of the House two statements showing commodities which were being licensed earlier for import from dollar areas, but which are either not being licensed at all now or are being licensed only to a smaller extent than before. [See Appendix XII, annexure No. 5 (Statements II and III)].

It has, not therefore been considered necessary since devaluation to modify the policy so as to decrease or stop the import of any particular commodity from dollar area. The position is, however, kept under constant review and in preparing the policy for the next half year such information as is received of likely improvement in availabilities from soft currency sources will be fully taken into account.

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

† Answer to this question laid on the table, the questioner being absent.

EXPORT OF INDIAN SUGAR

†*467. **Shri Ajit Prasad Jain:** (a) Will the Honourable Minister of Commerce be pleased to state what are the principal countries to which Indian sugar has been exported since the close of the war?

(b) How does the price of our sugar in those countries compare with the price of sugar imported from other countries, in particular Java and Cuba?

(c) What has been the general trend of our export trade in sugar, whether it has been rising or declining since the close of the war?

The Honourable Shri K. C. Neogy: (a) Neighbouring countries of Persian Gulf Sheikdoms, Pakistan, Afghanistan and Nepal.

(b) So far as Pakistan is concerned, it is learnt that she imported some sugar at an approximate cost of C.I.F. Rs. 19 per maund from dollar sources and Rs. 21 per maund from sterling areas against Rs. 28/8/- per maund, the price of Indian sugar. We have no information with regard to countries other than Pakistan.

(c) The approximate quantities of sugar exported during 1946-47, 1947-48 and 1948-49 are 7,914, 7,610, and 15,169 tons respectively. The approximate quantity exported during the five months ended August 1949 is 3,387 tons. Thus there was an upward trend in 1948-49, mainly because of greater imports by Pakistan. But for this, our exports are more or less stationary at about seven to eight thousand tons.

EXPORT OF ONIONS AND CHILLIES

*468. **Shri H. V. Kamath:** Will the Honourable Minister of Commerce be pleased to state:

(a) whether it is a fact that Government issued orders in September, 1949 for decontrolling export of onions and chillies;

(b) whether Government are aware that the Deputy Controller of Exports failed to promptly communicate those orders to the customs authorities;

(c) whether Government are aware that the relevant papers were subsequently transferred by the Deputy Controller of Exports to the Assistant Controller of Exports for necessary action;

(d) whether Government are aware that after the transfer of papers to the Assistant Controller, the Deputy Controller asked the Collector of Customs, Madras, to issue a licence to a person in Madras for export of 200 tons of chillies to Ceylon;

(e) whether Government are aware that the licence so issued was later sold in the black market by the licensee; and

(f) if so, what action has been taken by Government in the matter?

The Honourable Shri K. C. Neogy: (a) The export of onions and chillies has not been decontrolled. Orders were issued in October 1949 to allow shipments within over-all limits by anyone who wanted to export onions and chillies and to stop exports when the quantitative ceilings were reached.

(b) No, the orders were communicated as soon as the Commerce Ministry decided that they should be.

† Answer to this question laid on the table, the questioner being absent.

(c) I am not clear about the significance of the word 'subsequently' in the question. The papers dealing with this matter were however dealt with by the Deputy Chief Controller of Exports in the beginning, but after a decision was taken the Assistant Chief Controller of Exports issued the necessary orders etc. in the ordinary course.

(d) The Deputy Controller did ask the collector to issue a licence to a person in Madras but there is no question of any transfer of papers to the Assistant Controller.

(e) An enquiry was made by me on the point when a similar allegation was made earlier and there was no evidence to support this view.

(f) No action by Government seems to be called for.

Shri H. V. Kamath: Arising out of answer to part (b) of the question is it not a fact that there was a time lag between the passing of the order and the communication of the order to the person concerned?

The Honourable Shri K. O. Neogy: That was deliberate.

Shri H. V. Kamath: Why was it so?

The Honourable Shri K. O. Neogy: The decision was taken in this matter that free exportation would be allowed subject to an overall ceiling. But because certain correspondence was going on between us and the Trade Commissioner in Ceylon in regard to certain details about the licensing procedure of Ceylon, it was decided not to issue the order till that matter had been disposed of.

Shri H. V. Kamath: When correspondence was going on between us and the Trade Commissioner of Ceylon why was a decision taken at all—why was it not kept pending?

The Honourable Shri K. O. Neogy: The correspondence was not so material as to affect the decision.

Shri H. V. Kamath: Is it not a fact, Sir, that in the case of the license issued to this person, a period of three months was specified in the license for export of chillies when no such facilities were ordinarily given to other exporters?

The Honourable Shri K. O. Neogy: Actually, the other exporters got very much larger facilities, because they were not called upon to take any license after the new policy was adopted.

Shri S. Nagappa: Arising out of answer given to clause (e), may I know, Sir, what steps Government have actually taken to see that the commodities for which licence was issued were not blackmarketed.

The Honourable Shri K. O. Neogy: As a matter of fact I find that there was an interval of three days only in which to blackmarket—if at all—because the license was given on the 6th and on the 8th the decision was announced that no license was needed.

Shri S. Nagappa: May I know, Sir, if anybody is prepared to come forward and prove that there was actual blackmarketing, will Government accept it and make an enquiry?

The Honourable Shri K. O. Neogy: Sir, the Honourable Member himself, who is interested in this particular matter has not helped me in making that enquiry. I had more than once discussed this matter with him and I had addressed a letter also to him, which I am prepared to place on the Table of the House.

Shri S. Nagappa: May I ask the Honourable Minister whether it is not a fact that the facts given by me were not gone into in detail and that the information supplied by me was not fully utilised?

The Honourable Shri K. C. Neogy: The case was fully gone into by several officers of my Ministry and again examined by me at a later stage.

Shri V. I. Muniawamy Pillay: Arising out of answer to part (c) may I know what is the text of the order.

The Honourable Shri K. C. Neogy: I do not find reference to any order in my answer to part (c).

Shri M. Tirumala Rao: In regard to answer to part (e) have Government got in their possession any information as to whether the person who received this license has availed himself of the license?

The Honourable Shri K. C. Neogy: I am very glad that my Honourable Friend has put this question, because the license application was for 350 tons. The license granted was for 200 tons and I understand that the actual quantity exported was $7\frac{1}{2}$ tons.

Shri H. V. Kamath: Is it not a fact that in this particular case of issue of a license the *modus operandi* that was followed was that the Deputy Controller wrote to the Collector of Customs, Madras asking him to issue a license to this person and a copy of that letter was handed over to the person here?

The Honourable Shri K. C. Neogy: That may have been so. But there is nothing wrong in that procedure. On the 6th the day that the license was granted, the decision of the Government on liberalisation of exports, (that no license would be needed in future) had been arrived at already and there was no justification on that date to withhold a license knowing all the time that within two days the order would be issued freeing the export trade in this commodity from the licensing procedure.

Shri V. C. Kesava Rao: May I know to whom the license was issued?

The Honourable Shri K. C. Neogy: I should not like to give the name of the party.

ELECTORAL ROLLS

*469. **Shri H. V. Kamath:** Will the Honourable Minister of Law be pleased to state:

(a) what progress has been reported by the various provinces and states in respect of the preparation of electoral rolls; and

(b) the probable date of general elections under the new Constitution?

The Honourable Shri Satyanarayan Sinha (Minister of State for Parliamentary Affairs): (a) The position in regard to the preparation of preliminary electoral rolls and the printing of those rolls is as follows:

In East Punjab, the rolls have already been printed while in Madras, West Bengal, Bihar, Orissa and Coorg, they are under print. In Bombay, the United Provinces, C.P. and Berar, Assam, Madhyabharat, Rajasthan, Ajmer-Merwara, Panth-Piploda, Himachal Pradesh and Tripura the manuscript rolls are complete. Good progress in the preparation of manuscript rolls has also been reported by the Governments of Saurashtra, Patiala and East Punjab States Union, Delhi, Bhopal and Cooch-Bihar. Electoral rolls, prepared on

the basis of adult franchise for elections to the Constituent Assembly or the State Legislature as the case may be, already exist in Mysore, Travancore-Cochin and the Rewa State (in Vindhya Pradesh) and are being revised with a view to their adoption for elections under the new Constitution. The preparation of the electoral rolls has just been taken up in the covenanting States, other than Rewa, of Vindhya Pradesh, and the Chief Commissioners' Provinces of Bilaspur, Kutch and Manipur. The question of preparation of electoral rolls has not yet been taken up with Hyderabad but there again electoral rolls prepared on the basis of adult suffrage in connection with their elections to the Constituent Assembly of Hyderabad exist. There will be no difficulty in revising them for the purposes of elections under the new Constitution.

The Government of Kashmir do not appear to have taken any action so far. The question is being taken up with that Government.

(b) The elections are expected to be held in 1950 or 1951.

Shri H. V. Kamath: With regard to answer given that manuscript rolls are complete in certain Provinces and States, am I to understand that they are complete with reference to both rural and urban areas?

The Honourable Shri Satyanarayan Sinha: It is implied.

Shri Brajeshwar Prasad: May I know, Sir, when the electoral rolls have been prepared in Bengal, why is it that a general election on the old franchise is contemplated.

Mr. Deputy-Speaker: It does not arise out of this question.

Sardar Bhopinder Singh Man: May I know, Sir, in view of the nature of the care-taker Government in Patiala and East Punjab States Union whether there is an early election taking place or not? What I want to know is whether the electoral rolls in Patiala and East Punjab States Union have been completed and if so, are there any reasonable prospects of an early election?

The Honourable Shri Satyanarayan Sinha: They are under preparation and as soon as they are ready, the elections may be held.

Shri H. V. Kamath: Arising out of answer to part (b) of the question has the work of delimitation of constituencies also been taken in hand?

The Honourable Shri Satyanarayan Sinha: Yes, Sir. Proposals have been invited from the Provinces and States and as soon as their replies are received the Election Commissioner will examine them.

Shri Mahavir Tyagi: May I know as to how without delimitation of the constituencies the electoral rolls have been prepared because as far as I understand the electoral rolls are prepared after the constituencies have been demarcated.

Shri H. J. Khandekar: In view of the fact that the Constituent Assembly has reserved seats for the Harijans, may I know from the Honourable Minister whether the rolls that are being prepared make a mention of the Scheduled Castes?

The Honourable Shri Satyanarayan Sinha: That question has already been referred to the Provinces and they are considering it.

Shri H. J. Khandekar: Has not an order from the Government of India gone to mention the cost of the Scheduled Castes and Scheduled tribes in the electoral rolls to the Provincial Governments?

The Honourable Shri Satyanarayan Sinha: The manner in which reservations are to be made for the Scheduled Castes and Scheduled tribes, these particulars have been sent to all the Provinces.

Shri H. V. Kamath: In spite of the fact, Sir, that so much work yet remains to be done, is Government in a position to assure the House that the general elections will be held in the winter of 1950-51?

The Honourable Shri Satyanarayan Sinha: All possible efforts are being made and in spite of that if something unforeseen happens, we can't say.

Shri L. Krishnaswami Bharathi: May I enquire whether the Election Commissioner has been appointed?

Mr. Deputy-Speaker: The matter is under consideration.

Shri P. T. Chacko: May I know whether the Government intend to conduct elections at least in the States where the electoral rolls are ready?

The Honourable Shri Satyanarayan Sinha: There must be one period contemplated, one time for general election.

Shri L. Krishnaswami Bharathi: I have not got an answer to my question. Already in Madras they have published the delimitation of constituencies. How could it be possible before the Election Commissioner and the Delimitation Committee are appointed. I saw in the papers that the Madras Government is doing it.

The Honourable Shri Satyanarayan Sinha: The appointment of the Election Commissioner is under consideration and by the time the reports are received, the Election Commissioner will be in existence.

Shri M. Tirumala Rao: With regard to part (a) have the Central Government issued any directives to Provinces and States that by a particular date the electoral rolls should be prepared and printed?

The Honourable Shri Satyanarayan Sinha: I am afraid I have no information on that subject.

Shri Mahavir Tyagi: May I know if the constituencies have been made on the basis of single constituencies or plural constituencies?

Mr. Deputy-Speaker: Legislation will be brought for that purpose.

Shri H. J. Khandekar: May I know whether Government are contemplating to take the census first or the election first?

The Honourable Shri Satyanarayan Sinha: How does it arise out of this Sir?

Mr. Deputy-Speaker: This does not arise out of the question.

REHABILITATION

*470. **Shri Lakshminarayan Sahu:** (a) Will the Honourable Minister of Rehabilitation be pleased to state what measures have been devised by Government for absorption of displaced persons in (i) agriculture, (ii) occupations other than agriculture?

(b) In what way is it expected gainfully to absorb refugees ultimately through work centres?

(c) How many refugees have been trained in industrial occupations and trades and how many have been actually absorbed in the industries or trades?

(d) What measures have been adopted to help them in getting absorbed in shop-keeping and in business in general, apart from the grant of loans?

The Honourable Shri Mohan Lal Saksena: (a) to (d). The question covers the whole field of rehabilitation, and the information required cannot be given in the course of an answer. The Honourable Member is referred for information on these points to the quarterly reviews published by the Rehabilitation Ministry, copies of which have been supplied to all the Members of the House.

Sardar Bhopinder Singh Man: I would like to know in view of the still very confused position, what is the position of East Bengal refugees as regards their absorption in Agriculture in the Province of Assam and Bihar and whether Governments of Assam and Bihar have taken adequate steps to absorb them. If not, why not?

The Honourable Shri Mohan Lal Saksena: At present there are no schemes for absorption in agriculture in Assam and Bihar.

Sardar Bhopinder Singh Man: What are the reasons why the Assam Government in spite of their having so much land is not absorbing them there?

The Honourable Shri Mohan Lal Saksena: The position of the Assam Government is that although so much land is available there are difficulties because of tribal people and also because part of the land is situated in hills and therefore it is not possible to settle them on land.

Sardar Bhopinder Singh Man: May I know whether it is a fact that vast amounts of land are available in non-tribal areas?

The Honourable Shri Mohan Lal Saksena: I would require notice of this question.

Shri V. C. Kesava Rao: May I know whether any refugees have been allotted land in East Punjab?

The Honourable Shri Mohan Lal Saksena: Yes.

Shri V. C. Kesava Rao: Is it a fact that many refugees are still awaiting the permits?

The Honourable Shri Mohan Lal Saksena: It is so.

Shri Arun Chandra Guha: What steps Government have taken for training East Bengal refugees in industrial occupations?

The Honourable Shri Mohan Lal Saksena: We have started certain vocational training centres in West Bengal and we have already introduced a scheme for training in factories.

Shri Arun Chandra Guha: Would the Government consider the question of training the East Bengal refugees in the Chittaranjan Factory and take these refugees in very large numbers? If not, why not?

The Honourable Shri Mohan Lal Saksena: If the Honourable Member is referring to the Railway Workshops, then, of course, we have got a scheme and a township is going to be built there and people are going to be settled there. We have already prepared a scheme.

Shri Arun Chandra Guha: It is not a question of town-ship. Have Government arrived at a policy of taking the East Bengal refugees as trainees in that factory and if so, in what proportion?

The Honourable Shri Mohan Lal Saksena: As a matter of fact as I have already stated a scheme has already been prepared. It has not yet been implemented but certain number of refugees will be trained in the Workshop.

Shri Arun Chandra Guha: Have the Government fixed any proportion for the employment of East Bengal refugees in the factory?

The Honourable Shri Mohan Lal Saksena: If the Honourable Member wants the precise number he must put a question to the Railway Minister.

Shri S. Nagappa: May I know whether the Government have taken steps to organise multi-purpose co-operative societies for the benefit of these refugees; if so, how many, if not, why not?

The Honourable Shri Mohan Lal Saksena: I think two or three such societies have been organised in Delhi. The difficulty is that people are not in favour of making organised efforts for the purpose. They are not so minded. We have also not got social workers to take up the organisation of these societies.

Shri S. Nagappa: My question was about the number of multi-purpose co-operative societies.

The Honourable Shri Mohan Lal Saksena: Three.

Shri Raj Bahadur: In east Rajasthan there are certain lands without refugees and there are refugees without lands.

The Honourable Shri Mohan Lal Saksena: Well, if the Honourable Member gives me information I will make enquiries.

Sardar Bhopinder Singh Man: The Honourable Minister has been pleased to state the attitude of the Assam Government. I would like to know the attitude of the Bihar Government as regards the absorption of the refugees?

The Honourable Shri Mohan Lal Saksena: There is no question of refugees there from any particular province. In Bihar there is no scheme of agricultural settlement.

Sardar Bhopinder Singh Man: In view of the fact that many people from East Bengal have gone to Bihar, may I know in what way the Bihar Government are rehabilitating them?

The Honourable Shri Mohan Lal Saksena: I have no information that many have gone there. Some of them have gone there and they are settling there like others. As a matter of fact the number of displaced persons from East Pakistan is much larger than others.

Shri Suresh Chandra Majumdar: Have the Government so far not formulated any scheme for the rehabilitation of the refugees when such a big number has been there already for a long time?

The Honourable Shri Mohan Lal Saksena: I am informed that there is no land available for settlement on agriculture. But they have settled them in shops and other vocations. There are also schemes for settling them in towns.

Mr. Deputy-Speaker: Next question please.

Shri Arun Chandra Guha: One question more, Sir. Is there any scheme to settle the East Bengal refugees in shopkeeping and in business in Assam and in Bihar?

The Honourable Shri Mohan Lal Saksena: I have already informed the House that there are schemes for settling them in shopkeeping in Bihar. But there is no such scheme at present in Assam.

CHARTERED ACCOUNTANTS ACT

*471. **Shri Lakshminarayan Sahu:** (a) Will the Honourable Minister of Commerce be pleased to state whether it is a fact that though the Chartered Accountants Act has come into effect from May, 1949, the rules to be framed thereunder, especially under section 4(1), have not been framed yet? If so, what is the reason for the delay and when do Government propose to issue those rules?

(b) Do Government contemplate to place a copy of the various rules framed under the Chartered Accountants Act on the Table of the House and give an opportunity to the members to discuss them? If not, why not?

(c) What are the countries whose degrees or memberships of their various Associations have been recognised under Reciprocity Clause for enrolment on the register of Chartered Accountants? Do Government propose to lay a list of such countries on the Table of the House?

The Honourable Shri K. C. Neogy: (a) The Chartered Accountants Act came into force only from the 1st July, 1949. The regulations to be framed under Section 30 of the Act were published in the *Gazette of India* dated the 25th June, 1949. The conditions to be laid down by Government under Section 4(1) (iii) and (iv) of the Act are under consideration. Certain necessary information is being collected and an announcement will be made as soon as possible.

(b) Government have so far framed only the Chartered Accountants Regulations, under Section 30(4) of the Act. A few copies of the Regulations have been placed in the Library of the House for the information of Honourable Members. The power to make regulations hereafter vests in the Council of the Institute of Chartered Accountants and not in Government.

(c) The question is under consideration by the Council of the Institute of Chartered Accountants of India.

EVAQUEE PROPERTY

*472. **Shri B. P. Jhunjhunwala:** (a) Will the Honourable Minister of Rehabilitation be pleased to state whether Government have got the total estimate made of the evacuee property of our nationals in Pakistan and that of the nationals of Pakistan in India?

(b) If so, what are the estimates of each of these?

(c) Have our nationals been able to realise any amount of their property from Pakistan and the nationals of Pakistan from India?

(d) If so, what is the amount of such realisation in each case?

The Honourable Shri Mohan Lal Saksena: (a) Government have made no estimate of evacuee property of Indian Nationals in Pakistan or of the property of Pakistan Nationals in India.

(b) Does not arise.

(c) Some of the Indian nationals have been able to realize, though not in full, the value of their property in Pakistan, both by the sale of immovable property as also the evacuation of movable property. Likewise Pakistan Nationals have been able to transfer property or value thereof from India to Pakistan.

(d) Figures of the value of property or cash transferred are not available.

Shri B. P. Jhunjhunwala: Is it under contemplation to make an estimate of this property?

The Honourable Shri Mohan Lal Saksena: Yes. We have been pressing upon the Pakistan Government to appoint joint assessment boards. Otherwise it will not be possible to have estimates of property in Pakistan. So far as the property of Muslim evacuees in India is concerned, we have written to provincial Governments.

Shri Arun Chandra Guha: Will it include property in East Bengal?

The Honourable Shri Mohan Lal Saksena: No, because the Evacuee Property law does not apply to East or West Bengal. There is a separate agreement between India and Pakistan governing those areas.

Shri Arun Chandra Guha: In any case there is property left behind by Hindus there. Should not Government have some estimate of that property?

The Honourable Shri Mohan Lal Saksena: There is a different agreement. I do not know how we can have an estimate of property when people have not left? Some have of course left.

Shri Mahavir Tyagi: May I know what the reaction of the Pakistan Government is to the request of this Government for a joint commission to make an estimate of the evacuee property in Pakistan?

The Honourable Shri Mohan Lal Saksena: They have been resisting the suggestion.

Sardar Bhopinder Singh Man: May I know whether it is a fact that, so far as the agreement between India and Pakistan as regards eastern Pakistan, is concerned, Pakistan has infringed that agreement by extending the Evacuee Property Act in Pakistan to East Bengal?

The Honourable Shri Mohan Lal Saksena: No. They have not up till now extended it. They have only taken powers under the new Evacuee Property Ordinance to extend it to East Pakistan.

Shri Mahavir Tyagi: Does the matter rest with the resistance of the Pakistan Government or are the Government taking any other steps?

The Honourable Shri Mohan Lal Saksena: I would like the Honourable Member to suggest any other means by which we can get estimates of property left in Pakistan.

Sardar Hukam Singh: Is the Honourable Minister aware that the Pakistan Custodian has any amount to the credit of our refugees collected from their property?

The Honourable Shri Mohan Lal Saksena: Yes. I understand there are considerable sums to the credit of our displaced persons from West Pakistan.

Sardar Hukam Singh: What is that amount?

The Honourable Shri Mohan Lal Saksena: I am not in a position to give the exact amount. If the Honourable Member puts a question the information in our possession will be made available.

Sardar Hukam Singh: The Indian nationals and Pakistan nationals have realised some income from their property. May I know the respective sums realised by them?

The Honourable Shri Mohan Lal Saksena: As I informed the House the other day, so far as the Indian nationals are concerned, they have not realised any sums through the Government.

Shri Krishna Chandra Sharma: If the Pakistan Government got details about our property, have those details been examined by any machinery whatsoever?

The Honourable Shri Mohan Lal Saxena: As a matter of fact their claims were registered in Delhi and in other provinces. On an examination of the claims it was found that they were so exaggerated that it was not possible to come to even approximate conclusions. Therefore we are devising a machinery by which these displaced persons will have to make statements before regular courts and verify the claims.

Mr. Deputy-Speaker: The Question Hour is now over.

(b) WRITTEN ANSWERS

INDUSTRIAL PRODUCTION

*473. **Shri B. P. Jhunjhunwala:** (a) Will the Honourable Minister of Industry and Supply be pleased to state which are the industries wherein production has increased since the statement made by the Honourable Minister during the last Budget-session?

(b) Which are the industries wherein production has gone down since then?

(c) If there has been decline in production in any industry, what action have Government taken to step up production in the same?

The Honourable Dr. Syama Prasad Mookerjee: (a) and (b). A statement showing the installed capacity, production in 1948 and the first three quarters of 1949 is laid on the Table of the House (See *Appendix XII, annexure No. 6*).

It will be seen that there has been an upward trend in the production of steel, cement, paper and board, diesel engines, hurricane lanterns, sewing machines etc. Cotton Textiles. Machine tools, Bicycles, some Drugs and Chemicals have registered a fall in production.

(c) The Standing Committee of the Central Advisory Council of Industries has recently recommended (i) the setting up of Working Parties composed of representatives of the industry concerned, Labour employed in that industry and Government and (ii) fixing of targets for 1950, in order to secure increase in production quickly in some important industries. Copies of these resolutions are placed on the Table of the House (See *Appendix XII, annexure No. 7*).

The Government have accepted these recommendations and are now engaged in implementing them.

HINDU-OWNED BUSINESS CONCERNS IN PAKISTAN

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

(a) whether the Government of India have lodged any protest with the Government of Pakistan in connection with the latter's indiscriminate seizure of Hindu-owned business concerns in Pakistan; and if not, why not; and

(b) whether the Government of India have any intention of moving in this matter before the U.N.O. or the International Court of Justice?

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Transport and Railways): (a) The Government of India drew the attention of the Government of Pakistan to a number of allegations to the effect that they had been seizing properties of non-Muslims living in Pakistan. The Pakistan Government

denied these allegations and added that any person aggrieved at the steps taken by an official of the Custodian Organisation in Pakistan was at liberty to appeal to the Custodian. But not a single appeal had till then been filed by the parties reported to have been affected.

(b) The Government of India are still trying to settle the problem of evacuee property in the two countries by negotiation. Only when these efforts finally fail, they will consider whether other course should be adopted.

PROPERTIES OF HINDUS IN PAKISTAN

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

(a) what was the number of Hindu-owned firms, business concerns, Joint Stock companies, factories, etc., carrying on business in the Dominion of Pakistan in July, 1949;

(b) what is the number of such firms, business concerns, factories, etc., seized, sealed and taken possession of by the Custodian of Evacuee Property in Pakistan and what is the extent and value of the property involved therein; and

(c) how many Hindu shops and business concerns are still existing in Pakistan, and whether they have also been served with notices to show cause why they should not also be seized as Evacuee Property?

The Honourable Shri Mohan Lal Saksena: (a) and (b). The Government of India do not have the required statistics.

(c) According to our information there are three or four Hindu shops and concerns still functioning in Lahore and a handful in Karachi so far as the Government of India are aware. The Government of India are not aware if notices have also been served on them. Generally the Pakistan authorities took over concerns without notice.

EVACUEE PROPERTY

***476. Shri Ajit Prasad Jain:** Will the Honourable Minister of Rehabilitation be pleased to state:

(a) the approximate value of the property in the hands of the Custodians in the whole of India immediately before the coming into force of the administration of Evacuee Property Ordinance No. XXVII of 1949;

(b) the approximate value of the property released or liable to be released as a result of the said Ordinance No. XXVII of 1949 out of the property referred to in part (a); and

(c) the respective figures in respect of properties referred to in parts (a) and (b) for each of the Provinces and States in India?

The Honourable Shri Mohan Lal Saksena: (a) and (b). Information is not available.

(c) Does not arise in view of the position stated in reply to part (a).

DISPLACED PERSONS FROM KASHMIR

*477. **Sardar Bhopinder Singh Man:** (a) Will the Honourable Minister of Rehabilitation be pleased to state the number of displaced persons from raider-held territory in Kashmir living in India?

(b) How many of them are Hindus, how many are Sikhs and how many are Muslims?

(c) What are the plans for their rehabilitation and how far have these displaced persons been rehabilitated?

The Honourable Shri Mohan Lal Saxena: (a) and (b). Of the displaced persons who have escaped from Kashmir territory under the enemy 8,800 are in Yol Camp, 33,118 in Jammu Camp and 4,800 in Hoshiarpur. It is difficult to estimate the number of those who are outside, for the displaced persons are so scattered that the cost of a census would be out of all proportion to the advantages thereof.

(c) Many of them are reported to have been settled on land, but detailed plans of their rehabilitation are being formulated.

CLOTH SUPPLY

*478. { **Sgt. Kuladhar Chhalha:**
Shri Lal Mohan Sahu:

Will the Honourable Minister of Industry and Supply be pleased to state:

(a) the number of bales of cloth received in the Provinces of Assam and Orissa from Bombay and Bengal during the year 1948 and from 1st January to 31st October 1949;

(b) whether Government have made any arrangement for transportation of the bales through Eastern Pakistan;

(c) if so, whether Government propose to lay on the Table of the House the conditions agreed to by the Pakistan Government;

(d) whether Government are aware that there is a great dearth of ordinary qualities of *dhoties*, *sarees*, and *markins* in the Province of Assam; and

(e) whether Government propose to take steps to provide cloth to the people of Assam?

The Honourable Dr. Syama Prasad Mookerjee: (a) A statement is placed on the Table of the House [See Appendix XII, annexure No. 8 (Statement I)].

(b) Yes. There were difficulties in the way of moving cloth to Assam from Calcutta via Santahar. Cloth from Bombay and Ahmedabad is now moving via the O.T. Railway and Katihar. In addition the all-river route from Calcutta is also being used.

(c) The relevant clause of the Inter-Dominion Agreement between India and Pakistan reached in Delhi in December 1948 is placed on the Table of the House [See Appendix XII, annexure No. 8 (Statement II)].

(d) The Government of Assam have reported that there is now no shortage of ordinary qualities of *dhoties*, *sarees*, and *markins* in Assam.

(e) The Assam Government have always been given their regular quotas of cloth through their own nominees, and the Central Government will be prepared to give to Assam any additional quotas which the Assam Government may ask for. The movement of cloth to Assam through normal trade channels has been temporarily restricted at the special request of the Assam Government.

FOREIGN TRADE

*479. **Prof. K. T. Shah:** (a) Will the Honourable Minister of Commerce be pleased to give the figures of the Foreign Trade of India sea-borne as well as across land frontier, distinguishing between imports, exports and re-exports quarterly since 1st April, 1945 to the end of the second quarter 1949-50?

(b) Will Government indicate the reaction, as revealed by the statistics given in reply to part (a) above of the devaluation of the Rupee in terms of gold, upon the volume, value, and direction of the foreign trade of India?

The Honourable Shri K. C. Neogy: (a) I lay on the Table of the House statements giving figures of the Foreign Trade of India sea-borne as well as across land frontier, distinguishing between imports, exports and re-exports monthly since 1st April 1945 to the end of the second quarter 1949-50. (See *Appendix XII, annexure No. 9*).

(b) As figures of the Foreign Trade of India since devaluation, *i.e.*, from October, are not yet available, it is not possible to reply to this part of the question.

COAL RAISING CONTRACT

*480. **Shri B. L. Malviya:** (a) Will the Honourable Minister of Industry and Supply be pleased to state whether Government are aware that the Coal Raising Contract of the Government Railway Pondi Hill Colliery (in the merged State of Korea in the Central Provinces) was given to one Mr. D. P. Rawal his tender being the lowest, inclusive of the costs of explosives and drilling etc., but after acceptance of his tender, he was again allowed costs of explosives and drilling and thus a higher rate than the one given to other tenderers was allowed to him?

(b) If so, why was the rate increased?

(c) Have Government enquired into the matter and taken suitable action?

The Honourable Dr. Syama Prasad Mookerjee: (a) The original tendered rates of Mr. D. P. Rawal were inclusive of the costs of explosives and drilling charges. It was, however, decided that the cost of explosives and drilling charges should be paid separately on the past year's actuals. The original tendered rates were accordingly reduced and the tender of Mr. Rawal was sanctioned exclusive of the cost of explosives and drilling charges.

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

ENROLMENT OF ADVOCATES OF HIGH COURTS IN STATES IN FEDERAL COURT

*481. **Shri P. T. Chacko:** Will the Honourable Minister of Law be pleased to state:

(a) whether it has come to the notice of Government that there is no provision at present, for an advocate of a High Court of an acceded state to get himself enrolled as an advocate of the Federal Court; and

(b) whether Government will bring this matter to the notice of the Federal Court?

The Honourable Shri Satyanarayan Sinha: (Minister of State for Parliamentary Affairs): (a) Yes.

(b) The Federal Court has been requested to make suitable provision in its rules made under section 214 of the Government of India Act, 1935, for the enrolment of advocates of the High Courts of Acceding States.

Friday
9th 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, 9th 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.

QUESTIONS AND ANSWERS

(See Part I)

11.45 A.M.

MOTION FOR ADJOURNMENT

REPORTED HOLDING-UP OF RAW JUTE BALES BY PAKISTAN GOVERNMENT

Mr. Deputy-Speaker: I have received notice of an Adjournment Motion from Mr. H. V. Kamath. I will read the motion:

"I hereby give notice of my intention to ask for leave to make a motion for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely, the reported holding-up by the Pakistan Government of nearly five hundred thousand bales of raw jute already loaded on barges and bound for India."

The Honourable Shri K. C. Neogy (Minister of Commerce): Sir, this is a matter which is under negotiation at the present moment. I would be prepared to answer a short notice question at a later stage if the hon. Member would put it to me.

Shri H. V. Kamath (C.P. and Berar: General): In view of the assurance given by the hon. Minister, I would not press it now.

Mr. Deputy-Speaker: We will now proceed to legislative business.

INDUSTRIAL DISPUTES (APPELLATE TRIBUNAL) BILL

The Honourable Shri Jagjivan Ram (Minister of Labour): Sir, I beg to move for leave to introduce a Bill to provide for the establishment of an Appellate Tribunal in relation to industrial disputes and for certain matters incidental thereto.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the establishment of an Appellate Tribunal in relation to industrial disputes and for certain matters incidental thereto."

The motion was adopted.

The Honourable Shri Jagjivan Ram: Sir, I introduce the Bill.

INLAND STEAM-VESSELS (AMENDMENT) BILL

The Honourable Shri K. Santhanam (Minister of State for Transport and Railways): Sir, I beg to move for leave to introduce a Bill further to amend the Inland Steam-vessels Act, 1917.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Inland Steam-vessels Act, 1917."

The motion was adopted.

The Honourable Shri K. Santhanam: Sir, I introduce the Bill.

ADMINISTRATION OF EVACUEE PROPERTY BILL

The Honourable Shri Mohan Lal Saksena (Minister of State for Rehabilitation): Sir, I beg to move for leave to introduce a Bill to provide for the administration of evacuee property and for certain matters connected therewith.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the administration of evacuee property and for certain matters connected therewith."

The motion was adopted.

The Honourable Shri Mohan Lal Saksena: Sir, I introduce the Bill.

INDIAN RAILWAYS (AMENDMENT) BILL

Mr. Deputy-Speaker: We will now take up further consideration of the Bill further to amend the Indian Railways Act, 1890. We will now proceed with clause 10 which was allowed to stand over.

The Honourable Shri K. Santhanam (Minister of State for Transport and Railways): We were discussing yesterday an amendment to clause 10. I am glad to say that I shall be willing to accept the amendment suggested. Therefore I beg to move:

"That in clause 10 of the Bill, in the proposed new section 74B of the Indian Railways Act, 1890, after the words 'may arise' occurring in the last line, the word 'only' be inserted."

This will make the interpretation quite clear and that will be more or less in consonance with the interpretation suggested.

Mr. Deputy Speaker: The question is:

"That in clause 10 of the Bill, in the proposed new section 74B of the Indian Railways Act, 1890, after the words 'may arise' occurring in the last line, the word 'only' be inserted."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri K. Santhanam: Sir, I beg to move:

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

Sir, I do not want to take up the time of the House. I only want to say one or two words. Though I resisted any change in the legal responsibility, the Railway Ministry has been taking a very generous attitude in the matter of claims. Now, Railways have been instructed to settle claims promptly, also not to take technical objections where the loss or damage is really to the parties concerned. Sir, it is true that there have been some cases where merchants have lost and their claims were delayed sometimes. We have speeded up the entire machinery now. Also I would like to mention to the House that there are certain elements which are trying to exploit the railway liability and are making claims a regular business for exploiting the railways. We have to take care against them. They are making it a point to see that things are sent in a defective condition and at the end they put forward all kinds of claims. I am not making a general accusation against any class or section, but there is a small body of persons who are exploiting and we have to be very careful against them.

One thing also I may mention; so far as the railway risk is concerned, we are extending the list. Now for about 7000 items only railway risk is permitted; owners' risk is not permitted, and amongst the articles which are to be sent only at railway risk, the following are some items: Sugar, Paper, Oilseeds, Oilmen's stores, Jute, Iron and steel, Hides and skins, Hardware, Grains and pulses, Fibres, pressed and unpressed, Drugs, Raw cotton, Charcoal, Cement, Biscuits, Bicycles, Tobacco, etc.

Therefore in all these main articles, the railway liability is that of the bailee. It is only in the minor articles the question of owner's risk and railway risk comes, and therefore my friend, Pandit Thakur Das Bhargava, need not be very apprehensive that the railways are in any way trying to shirk their responsibility. Sir, I move.

Mr. Deputy-Speaker: Motion moved:

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

Shri E. K. Sidhva (C.P. and Berar: General): The hon. Minister has given a list of things which can be sent only at railway risk. Will the rate be the same as the rate for owner's risk or will it be higher?

The Honourable Shri K. Santhanam: There is no owner's risk for these articles.

Mr. Deputy-Speaker: They can be sent only at railway risk.

Shri E. K. Sidhva: Then there is no improvement at all.

Pandit Thakur Das Bhargava (East Punjab: General): Sir, I am grateful to the hon. Minister for this much more information he has given at this stage. I am also glad that railways have been instructed not to take technical advantage in respect of claims of the people at large, where compensation is really due. I am one with the hon. Minister in his condemnation of those people who want to take advantage of the legal position in the Railway Act and want to have compensation where it is not due, and the recent improvement which has been made in the Railway Act for insisting on a particular kind of packing which will, I hope, go a long way in removing this complaint. All the same, Sir, I submit for the consideration of the hon. Minister, that this Bill has not improved the position in any way. It may be true that it has not worsened the position as has been claimed by the hon. Minister, but what was previously latent in the owner's risk note has now become patent to the whole public. It is true that so far as railway risk is concerned, there are certain articles in which there is no question of owner's risk and the hon. Minister has taken credit for this. I give him that credit. It is all right.

[Pandit Thakur Das Bhargava]

The desirable thing is that all these things should be sent at railway risk. In all these things the rates should not be excessive. After all public interests require cheap and safe transport and therefore in regard to articles which can be taken at owner's risk if we diminish the responsibility of the railway it is not in the public interest. If cheap and safe transport is desirable, the rates in regard to owner's risk also should remain as they are but the responsibility of the railway should not be diminished.

My amendments have not been accepted on the plea that this is only a procedural Bill. Where they take away the common law right of a person to claim damages, surely it is a question of substance and not of procedure. In this procedural Bill a substantive right has been taken away and where in fact my amendments were on matters of substance the hon. Minister failed to consider them on their merits.

There is however one hope. The hon. Minister has been pleased to say that within a period of two or three years he is going to bring forward a comprehensive Bill when these matters will be considered. I for one do not see any justification for not considering these matters of substance even today. All the same if the hon. Minister is going to bring a comprehensive Bill let us wait for it. I would however submit to the hon. Minister that he should take steps to see that thefts and cases of negligence on railways are diminished. My own fear is that by passing this Bill we have really encouraged such cases, because when the Railway is not responsible, its servants will not take care to see that thefts do not occur or negligence is avoided. However I am happy that in regard to certain matters the position has been improved. For instance, in regard to claims people will certainly get their claims settled more speedily and in a summary manner.

I would also suggest that the hon. Minister should bring forward his proposed comprehensive Bill as soon as possible, so that the public may be benefited and in our new set up we may have an easy, cheap and safe transport. The complaints against the railways are universal. Corruption and thefts are increasing and if in a department of the Government these things cannot be diminished I do not see how the public morals can be improved. Both react on each other. My submission is that steps should be taken as early as possible to bring in the new Bill so that the allocation of responsibility may be rightly made. This is a very important matter and unless and until responsibility is rightly allocated, it is difficult to get justice done in cases where people are put to a loss on account of negligence or thefts on railways.

Shri C. Subramaniam (Madras: General): Sir, there is a certain amount of misunderstanding in the minds of hon. Members regarding the provisions contained in clause 10 of this Bill. The responsibility of the railway administration as carriers is laid down in section 72 of the Railway Act. Clause 72 (1) reads:

"The responsibility of a railway administration for the loss, destruction or deterioration of animals or goods delivered to the administration to be carried by railway shall, subject to the other provisions of this Act, be that of a bailee under sections 151, 152 and 151 of the Indian Contract Act, 1872."

Sub-clause (2) of section 72 reads:

"An agreement purporting to limit that responsibility shall, in so far as it purports to effect such limitation, be void, unless it,—

(a) is in writing signed by or on behalf of the person sending or delivering to the railway administration the animals or goods, and

(b) is otherwise in a form approved by the Governor General in Council"

Subclause (2) is being taken away. But the responsibility fixed on the railway administration under section 72 (1) remains there.

I would now draw attention to the provisions of sections 151, 152 and 161 of the Indian Contract Act, 1872.

Section 151 says:

"In all cases of bailment the bailee is bound to take as much care of the goods bailed to him as a man of ordinary prudence would, under similar circumstances, take of his own goods of the same bulk, quality and value as the goods bailed."

Section 152 reads:

"The bailee, in the absence of any special contract, is not responsible for the loss, destruction or deterioration of the thing bailed, if he has taken the amount of care of it described in section 151."

Section 161 says:

"If, by default of the bailee, the goods are not returned, delivered or tendered at the proper time, he is responsible to the bailor for any loss, destruction or deterioration of the goods from that time."

The responsibilities fixed on the railway administration under these sections of the Indian Contract Act remain intact and have not been taken away.

Under sub-clause (2) of section 72 of the Railway Act if the railway administration wanted to get out of these responsibilities the sender should in writing agree to that. That is why when the goods were being sent at the owner's risk a special procedure was being followed, namely the signing of so many risk notes. It was a cumbersome procedure and the senders were finding it very difficult to get attestors. Hence the procedure had to be simplified. The point is: Do you want two rates or not—owner's risk and railway risk rates? Some people may think that after all in certain type of goods there is not so much of risk involved and they would like to send them at their own risk at a cheaper rate. When owners are prepared to take the risk is it not necessary for the railway administration to provide cheaper rates, so that owners may take advantage of them and send their goods at their own risk. It is certainly very necessary and the general class of merchants would certainly welcome it, even though hon. Members here might think that there should be only one rate with the responsibility fixed on the railways in all cases. That is why there are two rates provided in the Bill. If so, when goods are sent at owner's risk is it necessary that the present cumbersome procedure should be followed or should it not be simplified? This Bill simplifies that procedure. If a person sends his goods at his own risk it is not necessary that he should sign so many forms. If he wants to send his goods at the railway risk he pays a higher rate and gets a certificate saying that the goods are being sent at the railway risk. I do not see any disadvantage caused to senders by this procedure.

Under clause 10 relating to the liability of a railway administration for goods in defective condition or defectively packed, the railway administration is entitled to say that for the purpose of accepting certain goods for being sent they should be packed in a standard way, so that there may not be any deterioration or loss due to defective packing. But if the owners say that it is not necessary that the goods should be packed in a particular way and that they are prepared to take the risk, should not the railway administration give them the facilities to send their goods so defectively packed? Under the proposed section 74A says: that if any owner says that as far as he is concerned he is prepared to send his goods though the packing is defective, certainly the responsibility for any loss due to defective packing has to be taken by the sender. Proposed Section 74A says:

"except upon proof of negligence or misconduct on the part of the railway administration or any of its servants."

[Shri C. Subramaniam]

Sufficient safeguards have been made providing that the nature of the packing should be recorded by the sender or his agent in the forwarding note. He has got to record it. Only then the railway administration can take advantage of it. When the owner himself willingly makes a note in the forwarding note that the packing is defective, then if any loss is caused it will certainly be for the owner to prove that the loss was caused not due to the defective packing but because of the negligence or misconduct of the railway administration or any of its servants. After all, the onus of proof in all cases is a matter of procedure. When the onus is put on a certain person he has to lead *prima facie* evidence to say that all the necessary precautions had been taken and that the loss could not have been caused but for the negligence or misconduct of the railway administration or any of its servants. And it will be for the railway administration to refute that evidence. When the whole evidence has been placed before a Tribunal there is no question of onus of proof either this way or that way. The entire matter is considered by the Claims Commissioner and he comes to conclusions in the matter. That is the procedure. When the whole thing is placed before a tribunal or court the entire evidence has to be considered and they come to an independent conclusion. In cases where absolutely no evidence is available difficulties may arise because the onus has not been discharged, then the party may have to suffer. In all the other cases the placing of the onus is merely procedural. Therefore I would like to submit that when the owner himself sends certain goods in improper or defective packing, then he has to take the responsibility; it will not be for the Railway administration to prove how that damage was caused. So I would respectfully submit that even under section 74A the responsibility that the Railway administration should take sufficient care as laid down in section 151 of the Contract Act is not abrogated. That responsibility is still there. Even though the goods may be in defective or improper packing the responsibility which is laid on the railway administration that it should take such care as any other prudent man will take under the circumstances is not taken away. If it does not take such care it will amount to negligence on the part of the railway administration. I do not think therefore that the responsibility of the railways is in any way abrogated. But when it is a case of defective or improper packing the responsibility of proving that the damage or loss is due to the misconduct or negligence of the railway administration is on the person who alleges it. Even in any other case when a person claims certain damages on the ground of misconduct or negligence of the other party it is for the person who makes the allegation to prove that neglect or misconduct in a court of law—in any Civil Court. In the special circumstances—when he himself sends the goods with improper packing certainly it will be for him to prove that there has been negligence or misconduct on the part of the railway administration or any of its servants.

Under the proposed section 74B it is not as if anybody is forced to send things in an open wagon. But suppose covered wagons are not available at certain stations and only open wagons are available. The owner knows he is running a risk but he is prepared to take the risk because he wants to have the goods moved as early as possible and he says "send it at my risk in the open wagon". Then he takes the responsibility. Even yesterday my submission was that even as the wording stood, that is, even without the addition of the word "only" the meaning is that the railway administration is not responsible for any destruction, deterioration or damage which may arise by reason of the goods being so carried. But it is limited only to those cases and whenever there is negligence or misconduct on the part of the railway administration and because of that the damage or loss is caused to the party the railway administration would be liable. But the addition of the word "only" makes it more clear, though even without it the responsibility of the

Railways under section 151 of the Contract Act is always there. Whenever there is negligence or misconduct it is clear under section 74B that the railway administration will always be liable.

In regard to section 74C, as I have already stated, it provides two risk rates—owner's risk rates and railway risk rates. In the interests of the business community and the public it is necessary to have the two rates, one cheaper than the other.

My hon. friend Pandit Thakur Das Bhargava was pleading for the common law right. But even though he was using the words "common law right" he was not pleading for the common man's right. After all, the common man's right has been properly safeguarded by making a provision in all cases for a compensation but fixing the maximum limit at Rs. 10,000. But what he has been pleading was for the richer people, for the millionaires. *(Interruption)* Those people will not be content with Rs. 10,000 but will claim lakhs and lakhs saying "we are millionaires, we are earning lakhs and lakhs, therefore we should be paid more". But any common man to whom an injury may be caused will not be able to claim more than the maximum provided and he will be quite content with that.

Dr. P. S. Deshmukh (C.P. and Berar: General): The hon. Member thinks very low of common people.

Shri C. Subramulam: As I have already pointed out, they will be quite content to get Rs. 10,000 without going to court and spending money on lawyers and going through all the difficult process. By this summary procedure provided in the Bill they will be adequately compensated. As far as the richer people are concerned they will very well take care of themselves. I do not think therefore that any change should be made in respect of this provision. This limit should be fixed. After all the railway administration is not a private body—it is not a private enterprise. It belongs to Government and therefore it belongs to the community. When it is run for the community as a whole it cannot take upon itself an unlimited liability of paying millions and millions to the richer people, to the millionaires, who might unfortunately get caught in some accident and get injured or die in that accident. As far as the common man is concerned his right has been properly safeguarded. The right of the community has been safeguarded. Even when a comprehensive Bill comes before the Assembly or the Parliament later on, I do not think there should be any change in this provision. I think we have done well in amending this provision in the manner we have amended it and I do not think there is any cause for grievance for anybody.

Mr. Deputy-Speaker: The Bill has been sufficiently discussed. Anyhow I shall call upon Mr. Naziruddin Ahmad.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, I shall make only short points. I fully welcome the provisions of the Bill. But I would impress upon the hon. Minister the need for a full examination of the question of placing the onus. There has been some amount of misapprehension that as the responsibility of the Railways has been made clear, the question of onus is merely procedural and that therefore it is immaterial. But a procedural law may seriously jeopardise some rights of a party by placing him at a disadvantage. And it has been thought that all grievance as to difficulties in regard to onus is swept away by the fact that a High Court appeal has been allowed. But if there is a difficult question of onus which it is impossible for a man to prove, the High Court will not be able to give any relief to him in case there is injustice.

The Honourable Shri K. Santhanam: I do not know where the High Court comes in here. It is only in respect of compensation and there it is automatic.

Mr. Naziruddin Ahmad: I am asking him to reconsider the whole matter when the revision of the Act comes up.

श्री लक्ष्मी नारायण साहू : माननीय उपधाक्षपति जी, मैं इस बिल (Bill) के बारे में ज्यादा समय नहीं लूंगा। मैं इतना ही कहना चाहूंगा कि सब वक्ताओं ने जो कुछ कहा है आखिर के वक्ता न साधारण आदमी के लिये जैसी ठोकर लगाई इससे मुझे दुःख हुआ। इसी लिये मैं कहना चाहता हूँ कि साधारण आदमी रेलवे (railway) में इतनी ज्यादा तकलीफ गूड्स (goods) के लिये पाता है तब वह कम्पनसेशन (compensation) मांगता है। रेलवे को इतना अधिक फ़ायदा होता है और फिर भी साधारण आदमी के ऊपर यह टीका लगाया जाता है कि आयन्दा ऐसा होगा तो बहुत ज्यादा आदमी इसमें फ़ायदा उठावेंगे। मैं कहता हूँ कि रेलवे के क्लेमस (claims) के बारे में बहुत आदमी क्लेम नहीं करते हैं। चिट्ठी लिखते लिखते हैरान हो जाते हैं तो भी क्लेमस का फ़ैसला नहीं होता है। मेरे एक मित्र हैं जो दवाई का कारोबार करते हैं। एक पैकेट (packet) खो जाता है तो उसके लिये दो दो तीन तीन बरस तक चिट्ठी लिखते हैं फिर भी उसका जवाब नहीं मिलता है। इसी लिये मैं कहता हूँ कि साधारण आदमी का इसमें दोष नहीं है, यह तो कम्पनी का (company) का दोष है। और यह इस लिये है कि अब तक जो इण्डिया (India) में रेलवे थी वह यूरोपियन (European) रेलवे थी और बहुत बड़े बड़े आदमी उसमें काम करते हैं। उनका एट्टीट्यूड (attitude) अभी भी यूरोपियन ही है। इसी लिये यह सब तकलीफ़ है। मैं जानता हूँ कि एक पार्सल (parcel) में नें अलेम्बिक (Alembic) से मंगवाया, वह जाना था रायगढ़ा और रायगढ़ा उस पर लिखा था। लेकिन वह चला गया रायगढ़। फिर बहुत दिनों के बाद लिखा पढ़ी के वह पार्सल आया तो उसका बहुत ज्यादा डेमरेज चार्ज (Demurrage charge) देना पड़ा। तो यह डेमरेज चार्ज मुझे क्यों देना चाहिये था लेकिन मुझे यह देना पड़ा। उसके बाद लिखते लिखते पांच छः महीने हो गये फिर भी अभी तक मुझे डेमरेज चार्ज वापस नहीं मिला। यह मेरा दोष नहीं था, रायगढ़ा लिखा था और वह चला गया था रायगढ़ा। तो मैं कहता हूँ कि इस प्रकार की बातें होती हैं।

मैं तो इतना ही कहूंगा कि रेलवे को चिट्ठी लिखते लिखते कोई फ़ैसला नहीं होता। अब जो कमिश्नर (commissioner) का प्रबन्ध किया गया है तो वह अच्छा है। लेकिन मैं जानना चाहता हूँ कि इस कमिश्नर का काम कैसे होगा। अगर कमिश्नर हो कर जल्दी फ़ैसला हो तब तो ठीक है नहीं तो कमिश्नर रख कर हमारा पैसा और बरबाद करना होगा।

(English translation of the above speech)

Sbri Lakshminarayan Sahu (Orissa : General): Sir, I will not take much time for this Bill. I only wish to say that the unkind remarks of the last speaker, as also of others, about the common people have pained me very much. Therefore I wish to say that the common people demand compensation only because of the fact that they have to experience such hardships at the hands of the Railway authorities for their goods. The Railways reap so much profit and yet the common people are stigmatized by saying that if such things would happen in future then a large number of people will take advantage of

it. About the Railway claims I say that many people do not file claims. They get tired of writing reminders and letters and yet the claims are not settled. I have a friend who deals in drugs and medicines. If a packet gets lost then he has to carry on correspondence for years together and yet no satisfactory reply is received. For this reason I say that the common people are not at fault in this respect, the fault lies with the Railway, and that also for the reason that till recently the Indian Railways were British owned and big persons are serving therein. Their attitude is still European, and this therefore is the cause of all this trouble. I remember that I ordered a parcel from the Alembic, it was to be sent to Raigarha and the word Raigarha was written clearly thereon. But it went to Raigarh. When after a very long drawn out correspondence the parcel reached me I had to pay a good deal of demurrage charge. Why I was required to pay this demurrage charge? But I had to pay. For the last six months I am in correspondence with the Railway authorities but as yet the demurrage charges paid by me have not been refunded. This was not in the least my fault. The word Raigarha was written thereon, but it was sent to Raigarh. That is why I say that such things do happen.

I would like to say only so much that even after writing a number of letters the Railway authorities do not settle the disputes. I welcome the appointment of a Commissioner. But I like to know in what manner the Commissioner would work? If the appointment of a Commissioner entails a quick settlement of disputes then it is all right else this appointment of a Commissioner will be an additional waste of public money.

The Honourable Shri K. Santhanam: Sir, I don't want to go over the ground which has been covered so many times. So far as the legal aspects are concerned, I have explained the position many times and though Pandit Thakur Das thought fit to repeat them again, my friend Shri C. Subramaniam has explained them. But one thing I must deeply regret. Pandit Thakur Das said that corruption in the Railways is increasing. It is entirely untrue. Sir, I think corruption has diminished to a very great extent during the last one year.

Pandit Thakur Das Bhargava: Question.

The Honourable Shri K. Santhanam: The number of thefts has decreased, cases of pilferage have decreased and the number of current claims has decreased. All this shows that in this matter there is a great improvement. I have gone all round the country and have met the merchants themselves. They have told me everywhere that today in the matter of giving wagons, in the booking of parcels and in every other aspect, corruption has decreased considerably. It is discouraging to the Railway staff all over the country that Members in this Assembly should go on repeating such charges without careful consideration of the facts.

Shri Upendranath Barman (West Bengal: General): What are the figures regarding current claims?

The Honourable Shri K. Santhanam: I have given them many times in reply to questions and I hope I shall be giving them later. I cannot be keeping all the numbers of claims in connection with a Bill which does not deal with such matters. I am quite willing to give later the information which my honourable Friend Mr. Barman requires.

Sir, even now the loss incurred by the mercantile community is less than one-fourth of one per cent. of the entire goods booked both at owner's risk and railway's risk. Even that is high and we want it to be reduced to the third decimal place; even .1 per cent. may be too high. But I do not think it helps the Railway Administration or even the interests of morality, as Pandit Thakur

[Shri K. Santhanam]

Das has been kind enough to say, to exaggerate matters, to make it appear as if things which are being despatched are being lost as a matter of course.

The last speaker, Mr. Sahu, I think confused matters. These commissioners are not going to be appointed to deal with claims. They are going to be appointed to settle compensation for poor people who may suffer damage or injury in case of a railway accident. There it has nothing to do with the mercantile community. It is the passengers who will suffer loss or damage and in order to give them compensation for the injuries received or for the death of the bread-winner, the commissioners have been brought in. The claims will be dealt with by the ordinary administration and the machinery has been so speeded up that there are only a very few claims of over six months at present.

Mr. Deputy-Speaker: "The question is:

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

The motion was adopted.

ELECTRICITY (SUPPLY) AMENDMENT BILL.

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power):
Sir, I beg to move:

"That the Bill to amend the Electricity (Supply) Act, 1948, be taken into consideration."

It is over a year now that this House decided to legislate on the important subject of rationalising the production and distribution of electricity in order to promote the electrical development of India. The Electricity (Supply) Act of 1948 accordingly envisaged the setting up of two main organizations—one at the Centre and the other in the Provinces—to put into operation the objectives of that legislation. The amending Bill that is now before the House seeks to facilitate the setting up of those two organizations, namely the Central Electricity Authority and the Provincial Electricity Boards.

The Central Electricity Authority is charged with the functions of developing a sound, adequate and uniform national power policy and of co-ordinating the activities of the planning agencies in relation to the control and utilisation of national power resources. It is also entrusted with the function of arbitrating in matters arising between the Provincial Governments or the Boards on the one hand and a licensee or other persons on the other. Though this Authority should have been set up sometime last winter, the fact that it has not yet come into being does not mean that there has been no central supervision over the subject of electrical development in the country. The Central Electricity Commission and the Central Water-power, Irrigation and Navigation Commission have kept as close a watch as possible over the development of electricity, as the concurrent nature of the subject under the Government of India Act 1935 would allow. With the coming into force, however, of the sixth Schedule to the Electricity (Supply) Act, problems will arise in future, as indeed some have already arisen, which will need expert attention and which make it necessary that the Authority be set up with the least amount of delay. Paragraph 1 of the Statement of Objects and Reasons of the amending Bill describes the difficulty which we have had to face in constituting the Authority. There is firstly, the difficulty in finding the full-time engineering personnel with the calibre which will inspire confidence in the Authority. All engineers of repute are already usefully employed in promoting the electrical development of the country and we are all aware of the great demand for their

services from many competing sources. For some considerable time, therefore, it will be necessary for the Central Government to use the Engineers of repute which it already has to constitute the Central Electricity Authority. The intention of the amending Bill is therefore to ensure that the Central Government is not prevented from appointing part-time members according to the exigencies of the work in the Authority. I can also assure the House that the appointment of such part-time members will not in any way affect the impartial nature of the Authority or diminish the confidence which the Authority is to instil in every organisation which is in any way connected with the development of electricity. The amended Act which in fact make it possible to appoint part-time judicial members—if the need ever arises—to take up cases of disputes which may be referred to the Authority for arbitration. The amendments now sought to be introduced will make for economy and for the best utilisation of the limited engineering personnel that is available in the country.

The reasons which justify the amendments in respect of the Central Electricity Authority also impel us to take corresponding measures to facilitate the setting up of the Electricity Boards in the provinces. Under the Electricity (Supply) Act, these Boards are to be set up by September 1950 and certain provinces are already devoting considerable thought to bring the Boards into being. They have, however, come up against certain practical difficulties, the most important of which are connected with the financing of the Electricity Boards and the administrative expenditure involved in having to appoint at least three full-time members. I am clear in my mind that the position will be changed materially if the amending Bill is passed into law. The difficulties of finance and personnel will largely disappear as the amending Bill will make it possible for the provinces, if they so desire, to make their own Chief Engineers and other officers the Chairman and Members of the Provincial Electricity Boards. There can be no doubt that the Boards must be set up and given a trial and that every effort must be made to facilitate their constitution. The Electricity (Supply) Act is in many ways quite a revolutionary piece of legislation, the adoption of which, this House decided a year ago, would result in the more rapid progress of electrification in the country. Old prejudices die hard and the adoption of something new which will remove the administrative machinery from its age-old rut of red tape and conservatism is bound to stir up hostility and conjure up imaginary difficulties in certain quarters. It is clear, however, that the Provincial Electricity Boards represent an experiment in autonomy in the field of electrical development circumscribed by healthy and useful direction from the Provincial Governments and the Central Electricity Authority. The Boards will to a very large extent fashion their own policy of developing electricity in the provinces and take concrete steps to implement that policy. There will be a vision, which we hope, will be larger than that of which has yet been brought to bear on the electrification of the country, and the sooner they can commence their work the better it will be for the industrialisation of the country.

Opportunity has also been taken to remove a mistake which occurred when the main Act was passed, namely, that Section 83 which ought to have been brought into force immediately was not included in sub-section (3) of section 1. I thought this Bill would have the unique honour of no amendment being moved and till I got up to make this motion for consideration, there was no amendment on the Order Paper. But I have got an amendment now which Sjt. Kumbhar Chaliha and Lakshminarayan Sahu proposed to move. Although I can oppose it on the technical ground that the notice has been received only this morning at 11 A.M., I want to assure them on the merits of the amendment that the clause leaves sufficient discretion for the rule-making power and what

[Shri N. V. Gadgil]

they have suggested in the proposed amendment will be taken into consideration. But to bind down the hands of the Authority statutorily is in my humble opinion not a wise provision. That is all I want to say about this amendment.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to amend the Electricity (Supply) Act, 1948, be taken into consideration."

Shri H. V. Kamath (C. P. and Berar : General): Sir, I am sorry I am not in a position to accord wholehearted support to the Bill that has been brought before the House by the hon. Minister for Works, Mines and Power. The hon. Minister has sought to put a fine gloss over unpleasant facts and attempted to conceal behind a smoke-screen of words the failure of Government to implement what the hon. Minister himself has described as a "revolutionary" piece of legislation. When the Electricity Supply Act was passed last year, it roused very ardent hopes in the minds and hearts of Indians all over the country. Electricity has failed!

The Honourable Shri N. V. Gadgil: The electricity does not approve of what you say.

Shri H. V. Kamath: I think it is an ill augury for the future—although I do hope it won't come to pass—that just when we are discussing the Electricity Supply Bill electricity should fail. I hope, Sir, the scheme also would not fail.

Mr. Deputy-Speaker: It is afraid of the strong opposition of the hon. Member!

Shri H. V. Kamath: If one man's opposition could do so much, I think that much more could have been done in this country, but unfortunately it cannot be.

Pandit Thakur Das Bhargava (East Punjab : General): Ob, you can move mountains.

Shri H. V. Kamath: I want to move men, not mountains. As I was saying, when this Act was passed last year, it aroused very ardent hopes in the minds and hearts of the people all over the country. The Preamble to that Act stated that it was "expedient to provide for the rationalisation of the production and supply of electricity, for taking measures conducive to electrical development of the provinces of India and for all matters incidental thereto", and it was stated by the Minister himself in the course of his speech during that session that this Act will lead to a more happy and a more prosperous life for the masses of our country. There is no doubt that if electricity could be developed and rationalised and utilised for productive purposes it would take our country a very long way on the path to happiness and prosperity for the people as a whole and the masses in particular. It was then stated by the hon. Minister that as a result of this Act, electricity would perhaps become very cheap and that it would also be utilised for running the industries of our country. Today the position seems to have altered. Today the ardour of the Minister seems to have been damped. I am repeating it—because the Minister is straining his ears to hear and for his benefit I would repeat that particular sentence. I fear the ardour of the Minister has been damped by the developments or by what happened during the last fifteen or eighteen months. Today, he does not seem to be as enthusiastic as he was fifteen or eighteen months ago when he moved the consideration of the Electricity Supply Bill. The unfortunate part of the whole matter, to my mind, is this, that our Government

and we as a whole—perhaps all of us—are actuated by revolutionary intentions. We always thought of revolutionary changes and everything is held up to the people as a revolutionary measure. Intentions are revolutionary certainly, but when it comes to execution the revolution goes with the wind and the revolutionary fervour does not descend to the execution of the revolutionary plans conceived in the mind. That is the tragic aspect of the situation that confronts us today in the country.

I need not dilate upon the beneficial effects of electrical development in our country.

Lenin was once asked to define communism. His reply was that it was Soviet plus electrification. That was his way of emphasizing the importance of electrical development.

The Honourable Shri N. V. Gadgil: What would be minus electrification?

Shri H. V. Kamath: I leave it to the Minister to tell us what India would be without electrification. I hope that the spirit that actuated him to put this question today will not actuate him in future when schemes are to be put into operation and that he will not put electricity on the minus side instead of giving it a push and a spurt forward.

Even Mahatma Gandhi—I had an occasion of discussing this particular matter with him once—was not opposed to electric power, if it was on a cottage basis. If every villager in India had a little dynamo in his house to run his charka he would not have objected to that. That is why I feel that Government should have taken every possible step to push forward with the scheme which was passed last year, but it has been held up on the ground that they are confronted with so many difficulties and are not in a position to go full steam ahead. This is a very unfortunate state of affairs.

We are already subjected to considerable ridicule by some people that we have got a number of paper schemes and paper plans to our credit, but that very little is being done in regard to their execution, on the ground that we do not get the personnel and that we do not have sufficient finance. That is a pathetic state of affairs; and I hope and trust that our Government will take courage in both hands. We will have to live dangerously if necessary. Otherwise there is no hope for us. We should go ahead with at least some of the schemes that have been passed during the past two or three years. Otherwise I do not know what is in store for us in the future.

Now, Sir, coming to this Bill that has been moved by the hon. Minister today, what is it that it seeks to do? The amendments that are sought to be made in the Bill have been made on two or three grounds. Let us for a moment turn to the Statement of Objects and Reasons. It says:

"In view of acute shortage of engineering personnel, inadequacy of work in the early stages as well as urgent need of economy, Government considers that the Central Electricity Authority should be constituted, to begin with, by employing part-time personnel from the Central Electricity Commission and other organisations. It is, therefore, proposed to amend the section removing the statutory obligation to appoint any full-time members."

Now, Sir, it is a very facile statement to make. But it behoves us to go deeper into this matter that has been posed or has been brought up before the House by the hon. Minister. The first aspect of it is this. When the Electricity Supply Bill was enacted into law last year did the Government, did the Minister, his Secretariat and his advisers consider this matter at all or not? Did they try to find out how many engineers would be available, what work they will be entrusted with and whether the finances necessary for this scheme would be available. If they had paid careful and profound consideration to all these matters then I see no reason why they should amend this Bill

[Shri H. V. Kamath]

today. But unfortunately they have not looked into all these very important matters like personnel and finance which are important in any scheme brought by Government. The only comment that I can make is that they acted without any foresight whatever. They did not look into essential matters. They did not know what might happen, and then after one year they start thinking about the personnel. This, Sir, is not the way in which our revolutionary Government should go about. If the masses are to be benefited, if they are to feel happy, we have got to adapt our means, our ends, our methods, our techniques and our personnel to these revolutionary intentions that animate us. Otherwise there is no hope for our country. I do hope, Sir, that the Government will wake up, take courage in both hands and even live dangerously and also ask the people to live dangerously.

Shri Brahma Chandra Sharma (U. P.: General): Let the hon. Member define the meaning of the words "living dangerously".

Shri H. V. Kamath: Let those hon. Members who are interested come to me privately and I will tell them what it means.

Now, Sir, let me take up these matters referred to in the Statement of Objects and Reasons, one by one. The first is the shortage of engineering personnel. I would invite the attention of the hon. Minister to the report of the Scientific Man-power Committee. The report of the Scientific Man-power Committee, was laid on the table of the House last week, I believe, or a few days ago. Dr. S. S. Bhatnagar, who was the Chairman of the Committee in the letter of transmittal to the hon. Maulana Abul Kalam Azad remarks as follows:

"I should, however, like to stress the significance of the report in the context of all-round national development. Standing on the threshold of a new era, India faces today, great trials, great duties and great rewards. The most precious of all the gains towards which we may hope to progress is in the development of our industries, agriculture, scientific research, transport, defence, medical and public health services, education and other lines of creative activity, which contribute to the strength and well-being of the country. In the trials and in the duties essential to that progress, the Scientists and Technologists of the country in their infinitely varied types, have to play their rightful part and bear their full share."

I repeat these words: "The scientists and technologists of the country in their infinitely varied types have to play their rightful part and bear their full share." Indeed theirs is the responsibility unequalled by any other section of the people. It behoves the State, the Government to create the necessary scientific and technical capital in the coming years. From this it is not so obvious that we have not got enough talent of the required type in the country. The only difficulty seems to be how to attract the type? And here I must say with the deepest regret that we—I do not want to distinguish the "we", but "we", I would say generally,—we have not yet got over the weakness, or soft corner for the white skin. (*An Honourable Member*: Royal 'We').

The Honourable Shri N. V. Gadgil: There is not a single electrical engineer in the Government of India who is a non-Indian.

Shri H. V. Kamath: I am not talking of the particular department of the hon. Minister. It appears as if this generation has to pass before we can cultivate and develop a deep love for India and Indians, our own officers and our own men. It is unfortunate that even in some of the highest quarters, this weakness or partiality for the White man, especially the British is still entertained. I shall give a little instance, and I do not know whether that is the case in other departments also. I know of one Department where it has happened, and that is in the Ministry of Health. Recently two experts...

Mr. Deputy-Speaker: Is it relevant to go into that issue, particularly when the hon. Minister has stated that in his Department there is no European at all and there is no point in referring what is going on in other departments of the Government of India?

Shri H. V. Kamath: May I submit, Sir, that when the Minister speaks, he speaks for Government as a whole and not individually?

Mr. Deputy-Speaker: I am sorry, it is going beyond the scope of the present Bill. The hon. Minister only thinks that without the appointment of certain foreign personnel further progress is not being made, that is incidentally, but there is not even a foreign man here.

Shri H. V. Kamath: May I submit that the reason given by the hon. Minister for this amendment is shortage of electrical personnel? Is there such shortage? That is the question.

Mr. Deputy-Speaker: How does the question of white man or the black man arise?

Shri H. V. Kamath: The hon. Minister stated that it is difficult to attract proper talent to this sort of work, but why is it so? It is because when we try to attract our own talent, the Indian talent, to any concern, any enterprise, any of our work, we do not offer him such remuneration as we will offer to the British or American engineers. That is my point. (*Interruption*). Two so-called expert engineers have been got from England for the Ministry of Health in connection with the pre-fabricated housing factory, and as soon as those two Engineers came, one expert, an Indian structural engineer who was working on the scheme for the last nine months and who was only drawing a salary of Rs. 1,200, has been dispensed with and these new people, whose qualifications, God only knows are paid Rs. 2,000 and actual expenses whatever they are without any limit.

Mr. Deputy-Speaker: I would ask the hon. Member not to proceed with making reference to other ministries. There are no other Ministers here to reply to them and after all it is not relevant for the purpose of the Bill on hand. The hon. Member has said sufficiently regarding the shortage of personnel and he may proceed to refer to any other points.

Shri H. V. Kamath: I do not know about the position in the Damodar Valley Corporation.

Mr. Deputy-Speaker: We are on the subject of electricity. There may be irrigation and mechanical engineers but here there is a shortage of electrical engineering personnel. I think the hon. Member evidently has got a number of other important points which are more important. He need not therefore dilate upon this one.

Shri H. V. Kamath: I thought that the hon. Minister could have stated that owing to the shortage of electrical engineers for this purpose this amendment has been necessitated but he preferred to make a sweeping statement that there is a shortage of engineering personnel. If the Government cares to go into the matter, they will find that there are many unemployed engineers in the country today who for want of proper incentive by way of remuneration, allowances, etc. are without jobs, but we are always ready to allow foreigners in our industries, in our national economy on higher terms or more attractive terms than we offer to our own people and that is why I say that this statement is not correct. With due deference to the hon. Minister, I submit this question has not been carefully examined and the reason for this shortage is that we do not offer proper incentives or terms to our own people, as good terms as we offer to foreigners, and so this sort of thing goes on.

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Coming to the substance of the amendment, what exactly does the Minister want? The Minister wants that this Central Authority and the Provincial Boards should be run by part-time personnel, that is to say, to my mind, by arm chair members. We will have part-time workers who will only put a part of their heart into the work, and the rest will be somewhere else: that will be a most unsatisfactory state of affairs. This electrical development of our Provinces is a most important undertaking for our national economy, but now we have this position adumbrated by the Minister that for the Central Authority and for the provincial Boards which will control the whole scheme, for the execution of the whole work, we will have only part-time personnel. What shall we do with this part-time personnel? Does the hon. Minister honestly think that part-time members will be able to carry out the scheme? After the day's work they would come for an hour and sit in their chamber or in some hall and have a cup of tea and discuss matters and then go home without really giving their mind and heart to this very important and essential work. Is this revolutionary piece of legislation going to be entrusted to these part-time people? A revolutionary is one who devotes his twenty-four hours, day and night, to a piece of work. Is this revolutionary enactment going to . . .

The Honourable Shri N. V. Gadgil: It is at the corner.

Shri H. V. Kamath: I am glad that it is so. The hon. Minister himself appears to take it light-heartedly. I would plead with him with all the seriousness and earnestness at my command that rather than proceed with this measure in this light-hearted and half-hearted, part-time fashion, I wish he gives up the whole scheme and frankly say that we cannot proceed with it at present and when we have got all the personnel and we have an idea of the work, we shall go full steam ahead. I suggest that this be shelved for the time being, put in cold storage and we will await better times. This amendment that has been brought is a slur on the people of our country. This question does not affect 20 or 30 people but the 300 millions of people of India. What is the good if we cannot produce 30 or 40 whole-time workers? I do not know with what face the hon. Minister has come to this House with this Bill and with the statement that no full-time members are available. What is the scope of this amendment? I shall refer to the original Act the Electricity (Supply) Act, 1948. The proposed amendments are in sections 1, 3 and 5. The existing provision in sub-section (2) of section 3 says:

"The authority shall consist of not more than six members appointed by the Central Government of whom at least three shall be full time members."

The amendment seeks to omit the last words 'of whom at least three shall be fulltime members'. If this amendment is carried, sub-section (2) would read thus:

"The authority shall consist of not more than six Members appointed by the Central Government."

They may be part-time, full-time or no time members. We do not bother how much work they will do for the scheme and what devotion they will bring to the work. The Chairman of the Central Authority will also be a part-time man. That will be the fate of the Central Authority.

Then, Sir, as regards mere drafting, though I would have liked to leave it to Mr. Naziruddin Ahmad to point out, I should say that 'full-time' has been omitted in sub-section (3), but the reference to "fulltime" member in sub-section (5) has not been touched. I do not however bother about that, because, after the speech made by the hon. Minister today, we shall not get a

single fulltime member. They will be happy now. They would prefer to work part-time everywhere, come to the office and sit there for a while and go home.

In sub-section (3) of section 5 there is reference to the Provincial Board. In the original Act the provision was 'All members of the Board shall be full-time members'. I do not know why we are watering down the whole scheme—I would not say nullifying the whole scheme: That will be uncharitable to the hon. Minister. But we are undoubtedly watering down the scheme of the Act. Now this tragic situation has developed. In the Provincial Boards where you were to have all fulltime members, you will hereafter have one, and in the Central Authority also the same will be the position. That is the scope of the amendment. The Minister wants to electrify the whole country. Is this the way he is going to do that? I do not know whether we have anything in this Bill to gloat over or be happy about.

Mr. Deputy-Speaker: Is the hon. Member likely to take some more time?

Shri H. V. Kamath: Sir, I require some ten minutes more.

Mr. Deputy-Speaker: The House now stands adjourned till 2-30 P.M.

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.

Shri H. V. Kamath: Sir, if I were to sum up the substance of this Bill, I would call it not an amending Bill at all. It is an ending Bill. It neither amends nor mends, but it ends the Act which we passed last year. The electric power which we used to have in this hall failed at the very moment when we started discussion on this Bill.

Dr. P. S. Deshmukh (C. P. and Berar: General): That is, by arrangement.

Shri H. V. Kamath: If it is by arrangement, so much the worse for it. The Act which we passed last year served in some little way to electrify the nation. This amending Bill can only petrify or mortify the nation, and therefore I am very much grieved that it has fallen to the lot of my hon. friend, the Minister for Works, Mines and Power, actuated though he is by the best of intentions, though he is full of enthusiasm, keenness and enterprise to take the country forward, to bring forward this new Bill. The Prime Minister is never tired of telling the nation, that we are living in the atomic age, but unfortunately we have to make a lot of leeway in order to catch up even with the electric age, while the West, that is, Europe and America, is already working for the atomic age. It has pained me very much that the little enactment which we passed last year to take us forward on to the electric age has got to be amended and has got to be virtually ended by this Bill. Why do I say that? If my hon. friend, the Minister for Works, Mines and Power, will only refer for a moment to the Act passed last year and take up Chapters III and IV of that Act, the provisions relating to the constitution, composition and powers and functions of the Provincial Boards—he will find how much work and how much responsibility has been assigned to these Provincial Boards. Does he really think that part-time members can discharge that responsibility, that obligation in toto, to the satisfaction of the Government? I for one am very doubtful on this point. The time has come for us to bid goodbye to half-baked plans, half-hearted measures and part-time personnel.

The Honourable Shri N. V. Gadgil: Half-baked politicians also.

Shri H. V. Kamath: I overhear the Minister saying half-backed and part-time politicians. I agree entirely with him. We cannot have half-baked men whether it be in politics, art, or literature, or industry or commerce or anything else if we want to march ahead. By this Bill today we are assigning the very essential task of electrifying the country, electrifying the provinces, to a handful of part-time people. Our country will only go half-way. I do not know where. There is a saying that the way to hell is paved with good intentions. We have got the best of intentions. We can show this to the people and say, here is an Act which is for the well-being of the nation. But about the execution of those intentions? The eminent writer, H. G. Wells, in his book "Work, Wealth and Happiness of Mankind" has stated that if only the electric and other power which is at the disposal of mankind is utilised in a scientific and socialist manner for the benefit of society and not with a profit motive, no man or woman need work for more than two hours a day. Unfortunately, we are still working in drudgery day after day. That is our tragedy.

Now, Sir, coming to the details of these Chapters III and IV, Chapter III, section 5, sub-sections (4) and (5) of the Electricity Supply Act, 1948, it says that of the members of the Provincial Electricity Boards, one shall be a person of proved administrative ability and commercial experience, one shall be an electrical engineer with wide experience and one shall be an accountant with experience of the electricity supply industry or other public utility. Today, the speech of the hon. Minister in moving this amending Bill was a confession of failure, an abject failure, even to find one electrical engineer for these Provincial Boards, one whole-time engineer for each of these Electricity Boards.

Mr. Deputy-Speaker: There are a number of provinces. It is not a question of one engineer.

Shri H. V. Kamath: I am coming to that. You have rightly drawn my attention to the fact that what is referred to in the Statement of Objects and Reasons is a general shortage of engineers. Now, if we work on the basis of this Chapter III, how many engineers do we want? The Act does not stipulate more than one electrical engineer for each Provincial Board. Including States and States Unions, we will have about 25 provinces and not more. That is to say, we do not have 25 electrical engineers in the country today to take up this work on a full-time basis.

What is this, if it is not a total confession of failure to attract the best talent in the country by offering them proper incentive and the best terms?

As regards the Central Electricity Authority the Bill is silent on the point as to how many should be electrical engineers and how many should be others. There is nothing in the Act to throw any light on this point. I take it that the Central Electricity Authority may have only one electrical engineer among its members. I wanted this point to be made clear in the morning. This talk of shortage of engineering personnel is merely a camouflage, an excuse or a cloak to conceal the failure of the Government to constitute this very essential body in the provinces as also at the Centre. This is not the way to enthuse the people of the country. An Act was passed 18 months ago and it is yet at a standstill or in a sort of stalemate. Who is responsible for this state of affairs: who is at the root of the whole trouble? It is for the Government to find out and if they do not find it soon enough they will have themselves to blame.

In the morning I had occasion to state that even today Government offers better incentive to foreigners than to our own men. The other day Dr. Bhatnagar addressing the members of the Assembly had occasion to make a similar statement. He said that it was a fact, it was a reality—for good or ill

I do not know,—that even today a degree of a foreign university or a foreign qualification has got more value in India than an Indian academic qualification.

An Honourable Member: Even foreign dress counts.

Shri H. V. Kamath: A certificate of a foreign country carries greater weight than one of our own. That is the unfortunate state of affairs. Coming to the powers and duties of the provincial boards, if the House will turn to Chapter IV, they will see.....

Mr. Deputy-Speaker: Those clauses are not touched by this Bill.

Shri H. V. Kamath: I want to show to the House and to you Sir, how part-time members cannot take up this work satisfactorily.

Mr. Deputy-Speaker: This Act was passed only last year and hon. members must be aware how important the measure is.

Shri B. L. Sondhi (East Punjab: General): Now it is an absolute *volte face*. Last year they said that they had so many people and now they say they have not.

Mr. Deputy-Speaker: Hon. Members are aware what important functions the provincial boards have to discharge and it is not necessary to go into them.

Shri H. V. Kamath: I am not going into details, Sir. Looking at the chapter one realises how much responsibility and work has been assigned to the provincial Boards. Last year when the Act was placed before the House the Minister had no apprehensions at all. When he moved the Bill in the House and commended it to the House he called it a revolutionary piece of legislation. I do not know what "revolution" means to him. At that time we wished him very well indeed and last year he had no apprehensions whatever on the score of personnel or the adequacy of the work to which he refers to in the amending Bill today. Therefore it is that I said that Government has, in this matter at least, acted without foresight, without even caring to assess the potentialities of the country in men, material and finance. It is a very bad miscalculation and people will think that the Government is drifting or groping in the dark, that they are living a sort of hand to mouth or precarious existence, trying one thing today and giving it up the next, functioning more or less by the process of trial and error, without a thought for the people at large. That is not the way that our revolutionary free India or the government of the people must proceed, if we want to place our nation on the high road to prosperity, where men shall have life, and have it more abundantly.

One word more and I have done. If you are going to man these provincial Boards and the Central Authority with part-time members, with so much work given to them, I can only say that it is more or less like assigning the work of a horse to an ass. I do not think that asses working part-time are ever able to discharge the duties and functions of horses. For one would not mind the scrapping of the Boards for the time being and Government running it on their own bureaucratic basis or secretarial basis, with I.C.S. officers as chairmen of the Boards. I would prefer that to acting in this half-hearted fashion. It is high time that we stop talking of revolutionary measures. When you want to boost up a piece of legislation or commend it to the people you say "Hear is a piece of revolutionary legislation." But when it comes to putting your fervour into its execution, you fail in your endeavour. Let not the Government delude themselves with the belief that by commending a piece of legislation to the people as a revolutionary one, people will accept it. Those times are gone. You will have to convince the people not with words or slogans but with deeds, in which you will have to put your whole revolutionary fervour. Unless you put your hearts into it you cannot induce the people to put theirs into it.

Shri Mahavir Tyagi-(U. P.: Genera): Putting the heart will not create electricity, my friend.

Shri H. V. Kamath: That is why people are feeling apathetic and think that Government is complacent. It is easy to mislead some people for some-time, but you cannot fool all people for all time. You should show to the people that you are revolutionary in deed and not in words alone; or else people will not accept you. What happened in Bombay? In Bombay they cried for some little salt but instead of sending some trucks of salt you sent trucks full of soldiers.

Mr. Deputy Speaker: Are you going to convert this discussion into a general discussion on the Finance Bill? That is to come three months hence.

Shri H. V. Kamath: Sir, the hon. Minister in his speech this morning used the grand words "revolutionary piece of legislation". I would only say this: "let us not any more delude ourselves" and fool the people by commending to them so-called revolutionary measures. Let us put more heart, more of revolutionary fervour into our actions and in that spirit if we go ahead all will be well with us. Otherwise if we only talk revolution and act reaction, I am sure worse will befall us in the near future, which God forbid, but I cannot help uttering this warning on this occasion.

Sir, I record only my partial support to this Bill.

Dr. P. S. Deshmukh: Sir, there may be many members of this House who may not share the vehemence of my friend who just sat down, but I am sure many of us share the disappointment felt in having to support a Bill of this nature. The Bill itself is very simple. It merely refers to the addition of a section and the omission of the word "full-time" from one or two more. But even though the contents of the Bill are so simple, the effect is certainly disappointing inasmuch as the hopes that were held out to us are now doomed to failure and this failure is admitted by the hon. Minister himself.

Shri Mahavir Tyagi: What failure?

Dr. P. S. Deshmukh: I think my hon. friend has not read the provisions of the Bill which was passed in this House and does not recollect the speech which the hon. Minister made when the Bill was debated in the House. The question is that when we passed the original Bill of 1949 a very large paraphernalia of an organisation was to be brought into being forthwith for the sake of achieving the greater progress and prosperity of the people. It was to start in the Centre and extend to every Province. Whereas in the original Bill the work was going to be assigned to more or less independent authorities consisting of about six persons, three of whom were to be full-time people, now we find that we have reverted to such circumstances and come to such times that the whole of the important and very essential work that we had contemplated and was going to be assigned to these people is now to be performed by those people whom we sometimes defend as being "overworked". My friend Mr. Kamath has elaborated the point a great deal, and one may not probably agree with him in the excessive terms which he sometimes used in condemning the Bill. Nonetheless, when we find that the important work which was going to be assigned to three full-time people and an independent Board not only in the Centre but in all the Provinces can now be carried on by much fewer people, doing it only part-time, then we must admit that there has been a very great alteration in the whole plan. And the plan was not very old. Not more than a year has passed since the original Bill was enacted. Since that time, during the course of a year, we have now come to a position when we think that it is not only not necessary to have the Authority and the full-time members, not even to reduce the Board or Authority to one full-time man, but it is sufficient to

have only part-time work assigned to the ordinary staff that we have in the Ministry of Works, Mines and Power. Now this lends itself to one or two inferences—either these people were there who had not any full-time work, or if they had full-time work then we have no objection if the work now being given to them remained undone. I say this because I hold that it is impossible for any human being to do anything more than full-time work. If they are capable of doing part-time work the inference is clear that they did not have full-time work so far. So even from that point of view it is disappointing. When a Minister comes and tells us of a great many things that are going to happen in the immediate future, the disappointment is natural when we find that not only all that we expected is not coming up but the whole thing is going to be more or less put into cold storage. We have not much complaint with the hon. Minister himself. Our quarrel is with his advisers. Who were the people who held out to him the vision that for the development of electricity we would require an independent Authority not only in the Centre but in all the Provinces? And who are these gentlemen who are now advising him that the whole of this important work which was going to contribute to the progress and prosperity of India to such a great degree can now be done by themselves? Probably in the office files there may be suggestions about the giving of some additional allowances for this extra work. Sir, to what extent they are capable of more or extra work is a question which I need not ask. Therefore, the House and the hon. Members are entitled to feel that in passing the original Bill we had hoped for very much more than what the hon. Minister can promise now. From that point of view I think I am not saying much if I say that our disappointment is justified. We applauded the hon. Minister when he brought forward scheme after scheme and placed before us dam after dam, but all these dams are getting jammed and they are all staying where they are.

The Honourable Shri N. V. Gadgil: They are progressing.

Dr. P. S. Deshmukh: I would be very happy if that is so. But the Bill points elsewhere. Whosoever is responsible for that, we have got to admit the fact that the rosy picture that was drawn before our eyes and for which we were feeling so elated has gone by the board and that elation was misplaced. At present time, at any rate, we have arrived at a stage when we must go backwards and think of slowing down the progress rather than proceed with the schemes and big projects. I must point out that this is also one of the instances of speedy, if not hasty, legislation. It is hardly one year since the Act was passed and we are required to amend it, for some important reasons—but reasons merely entailing omissions and correction of clerical errors. There is still one error which will probably require the hon. Minister to come before this House again. I would refer to sub-section (5) of section 3. As my friend Mr. Kamañ pointed out, after the present Bill is passed, there is not going to be anybody who will be called a full-time member of any of the Board either in the Centre or in the Provinces. Yet in our place here you find the word "full-time".

Mr. Deputy-Speaker: I think there is absolutely nothing incorrect here. There may be a full-time member. This amendment does not preclude the appointment of a full-time member. If there is a full-time member that man is bound to do this.

Dr. P. S. Deshmukh: I am sure, Sir, you will revise your opinion when you hear me fully. The word "full-time" is going to be omitted from other places and sub-section (5) of section 3 applies only to a full-time man. And since there is not going to be anybody called a "full-time member" under this

[Dr. P. S. Deshmukh]

Bill, whatever is contemplated and laid down to apply to a full-time member will not apply to any of the members who are appointed.

Mr. Deputy-Speaker: Whether a man is called a full-time officer or not under the Act, we know what a full-time man is.

Dr. P. S. Deshmukh: If you permit me Sir, to read subsection (5) of section 3 you will be able to appreciate my meaning. It reads:

"No full-time member of the Authority shall be directly or indirectly concerned or interested in or have any share or interest in any company or other body corporate or an association of persons (whether incorporated or not), or a firm engaged in the business of supplying electrical energy or fuel, solid or liquid, for the generation of electricity."

What does this mean? It is no use the hon. Minister ordering anybody in his written order to call a full-time man. Here is a disqualification applicable to only a full-time member and since there is no provision for a full-time member in the Act, the disqualification cannot apply to anyone under the Act.

Mr. Deputy-Speaker: It will apply.

Dr. P. S. Deshmukh: No, Sir. It is impossible. It can never apply.

Mr. Deputy-Speaker: All right. He may continue.

Dr. P. S. Deshmukh: If a member is hereafter interested in any contract which we did not want the defence that section 3(5) does not apply to him will be open to him in a court of law. I am prepared to say it most emphatically that this defence will be open to him *viz.*, that there used to be under the old Act a full-time member; but under the amended Act no one can be a full-time member, he is therefore not a full-time member *under the present Act* and therefore what would or was to apply only to a full-time member will not apply to him. God forbid that such a contingency should arise. In any case what I was referring to was this, namely, the way legislation is being passed in this House. We are not going to have, as far as possible, full-time members and we are going to remove, from more than one section, the word "full-time" but in one solitary clause we are going to retain it. This I think is a mistake, because if we are going to delete the provision for full-time members, the disqualification of being interested in any contracts or being a shareholder in any company should be made to apply even to those persons who are not full-time members.

Mr. Deputy-Speaker: I am afraid we are labouring this point too much. The hon. Minister does not say that he doesn't want full-time members; if full-time members are available he will be only too glad to have them and in that case such full-time members shall have to abide by the restriction. All he says is that for want of proper men there may or may not be full-time members.

Dr. P. S. Deshmukh: I don't wish to argue against you, Sir, but I am sure my meaning is absolutely correct and if this clause is not to be rendered absolutely ineffective the hon. Minister will have to come forward with an amendment dropping the word "full-time" from this sub-section also.

Excepting what I have urged, there are not many contentious points so far as the Bill is concerned. It is a simple Bill and I don't think there is much that can be said against it. I therefore don't oppose it. I wanted merely to voice my disappointment at the way in which we had expected certain things to happen but which were not now likely to take place. If the Minister comes forward and says that this is a sort of work which can be done by part-time engineers, then I think we are entitled to assume that the progress which was held out as imminent is not going to be accomplished and we are not going to see those prosperous days so early.

Shri H. V. Pataskar (Bombay General): Sir, I wanted to clear a misunderstanding. Section 3(2) of the Electricity (Supply) Act requires that three out of the six members shall be full-time members. What is sought in the Bill is to remove that restriction that three of them shall be full-time members of the Board. But it would still be open to Government, whenever the occasion arises, to appoint some members as full-time members; that contingency is not excluded. I would like to point out to my hon. friend Dr. Deshmukh that the result of the amendment of Section 3 will be that it will not be obligatory for Government to have three full-time members, but whenever there is enough work and men available, or for whatever other reasons Government think fit to do so, it does not prevent them from having a full-time member.

Dr. P. S. Deshmukh: But will the disqualification under sub-section (5) apply to an ordinary non-full-time member?

Shri H. V. Pataskar: No, no. It will certainly apply to a full-time member but probably that disqualification may be made applicable even to a part-time member.

Dr. P. S. Deshmukh: How can it?

Shri H. V. Pataskar: The Bill is a simple one. It gives three reasons for being introduced. One is that there is an acute shortage of engineering personnel and therefore the personnel available may be taken part-time for this work and also utilised for some other project also. Then it is said that there is inadequacy of work in the early stages. That does not mean that they are going to give up any projects but that in the early stages of the project probably there may not be full-time work for the members. The third reason is the urgent need of economy. In view of these, the Bill seeks to remove the liability on Government to have at least three out of the six to be necessarily full-time members of the Board. Therefore, to my mind, this is a rather simple proposition and does not merit so much vehement opposition as I found emanating from certain quarters. I think the object is the same as I have explained. I don't know what Government intends to do, but the amendment proposed under the Bill will certainly not come in the way of Government appointing full-time members whenever occasion arises for doing the same.

Shri Mahavir Tyagi: Sir, as far as I am concerned my reaction to the Bill has been rather good. I feel there is nothing bad in diluting the previous Act and making it less expensive. I only differ with the Statement of Objects and Reasons. As far as I can understand, the need for this Bill is not on account of scarcity of technical or electrical personnel. It is in fact on account of the lack of something else which produces energy. There is another energy which produces electric energy, and that is gold and silver. In fact, we lack silver. It seems we have no finances to run these big projects. Why don't you come forward frankly with the plain fact that you have no money to run these big projects? There is no money and hence all this trouble. My feeling is that in the beginning, as soon as we got independence, we started soaring too high, our heads got swollen. I don't mean the Ministers' head—the heads of the whole nation were swollen and it was owing to our swollen heads that all our schemes were big. We never cared to know the volume of money that we had at our disposal and we never cared for the strength of the pocket, with the result that we went on spending on everything that first occurred to us. We began to behave as though we were the Government of the U.K. or U.S.A. and wanted to compete with them in all our schemes, in all dignity, pomp, honour and all that and we went on spending money like anything. The result is that today we understand that even the most essential things and essential programmes are at a standstill. It is really a bad thing. I wonder if our Ministers have as the guardians of the finances of the

[Shri Mahavir Tyagi]

country and as the guardians of the Government of the country, today really begun to realise that they should not spend money on or make plans for schemes which they can't complete. Here the hon. Minister has come up with this proposal after realising his financial weakness and the financial weakness of the country. I can well understand that. He has done the best thing; it is no use our spending money on schemes which we really can't complete. Everybody in the country knows that the country's finances are running towards bankruptcy.

Some Honourable Members: No.

Shri Mahavir Tyagi: Yes, they are. In fact, if that fact has dawned on you, I am sure you will please mend your ways in respect of other items also and see that our finances are run on absolutely orthodox economic lines. As far as this part-time business is concerned, it is only just to reduce expenditure. Mr. Kamath has put too much stress on part-time and full-time. In fact, without money it is no use wasting time. It is primarily because of lack of money that the big projects have been postponed. It is a pity. There were many other things which could be postponed instead. But even if electricity is postponed, let not the House be unduly alarmed over it. After all, even the little source of electricity we have, has not, I think, been properly employed or utilised. Most of the electrical energy goes to luxury. It is not the villagers who use electricity but the urban population. It is mostly capitalists who use it to run their industries. Villagers neither use electricity nor are their labour hours going to be reduced nor leisure hours increased. They do not get any surplus leisure hour. It does not save the time of the labourer. Electricity only saves the time of the urban population who live in luxury and comfort. On account of the lack of electric power the nation as a whole will not suffer. Unless you plan the electricity programmes in such a way as would benefit the villagers, I do not understand how the country or the villagers will suffer. They never rejoiced over these plans. It is only members of the Legislative Assembly who thought that this energy will bring gold. But it does not really bring it. It will bring gold only when it is usefully employed. So my submission is that even if electricity does not come in at this stage, it will not do any very great harm to the country. This energy has after all been mostly helping the exploiters in exploiting labour more and more. If electricity does not come, people will work with their own hands. In fact, what the nation needs today is human energy. Employment of human muscle and hands is the most essential thing today. That is what the nation is lacking. Human energy is not being fully employed. We are fast becoming a nation of idlers and lazy talkers. I submit that the more chance there is for the people to work with their own hands and muscles, the more the nation will create wealth, and thus enable the State to launch on big projects. America won't give you money; nor will U.K. or any other nation. Money can only be created and it can be created only by creating new values and values come only when the entire nation begins to work and exert itself. I think our realisation, that we have no money and we cannot therefore have these big projects, will perhaps induce the nation to work harder. It is only through hard work and labour that we would be in a position to complete these big projects.

There is one more point which I want to bring to the notice of the hon. Minister, with your permission. In the original Act there was a sub-section to section 3 which said:

"No full-time member of the Authority shall be directly or indirectly concerned or interested in or have any share in or interest in any company or other body corporate or an association of persons, (whether incorporated or not), or a firm engaged in the business of supplying electrical energy or fuel, solid or liquid, for the generation of electricity."

This was a healthy clause. If the whole-timers go, shall I take it that the part-timers who will now be on this Authority will be enjoying a free licence to contract relationship with other concerns?

The Honourable Shri N. V. Gadgil: The original Act contemplated that the number will be six, but out of that number, three must be full-timers, and this clause would govern those full-timers. What has been sought to do now is that the statutory obligation of having at least three full-timers is being removed and the matter is left to discretion. You can have full-timers—two; three or even more—but to the extent there are full-timers this clause will govern them.

Shri Mahavir Tyagi: My submission is that previously when there used to be three full-timers, at least there were three persons who were not connected in any manner, rightly or wrongly or foully, with any other business. Now, when there are no full-timers in the Authority, all the members may be free to contract relationship with other companies. The Board will now be composed of non-full-timers and I want to know if all the members will be free to negotiate their relationship with other companies. The hon. Minister is very intelligent and really he should be able to understand what I mean. Up till now, there were at least three persons who had nothing to do with any other concern and who looked only to the interests of the Authority and to no other interests. Now a free licence is given to everybody to contract relationship with other electric concerns and yet be in the Authority. That is a dangerous thing which you may please guard against. That is all I want to say.

The Honourable Shri N. V. Gadgil: I have never seen in my parliamentary life of fifteen years so much eloquence for such a long time wasted on such an unimportant subject.

Shri H. V. Kamath: Is it "wasted", Sir? It is for the Deputy-Speaker to judge.

Mr. Deputy-Speaker: It is for the House to judge.

The Honourable Shri N. V. Gadgil: The Bill is very simple and I am surprised that it should have caused so much misunderstanding, particularly in the minds of those who have been good supporters of the original Bill. My hon. friend Mr. Kamath said that this is a reactionary Bill, that the Government has been sitting idle and that there has been no progress. I would only give him some figures. Electricity generated at the end of 1947 was 4,073 kwt. hour; at the end of 1948 it was 4,575 kwt. hour and at the end of the year 1949, if the rate that has been realised up till now is maintained, it will be 4,900 kwt. hour. In other words, in 1948 there was an increase of 12 per cent. and in 1949 an increase of 20 per cent. over the 1947 figure. If my hon. friend is really interested to know the progress that has been made by the Central and Provincial Governments, I would refer him to the report published by the Public Electricity Supply of India—Statistical Summary for the year 1948.

My hon. friend Mr. Kamath accused me in the beginning of lack of ardour and enthusiasm, though later on he recovered and said that I was full of vigour and vision.

Shri H. V. Kamath: On a point of personal explanation, that was not the expression I used. I said that it would damp the ardour of the people.

The Honourable Shri N. V. Gadgil: It can be verified from the report.

Shri H. V. Kamath: I said it would damp the ardour of the people; not that the ardour of the hon. Minister has been damped.

The Honourable Shri N. V. Gadgil: The point is that the very Act in the first section contained the provision that all the machinery contemplated in this Act should be brought into existence in a period of two years. If at the time it was thought that we had all the equipment, material and other requirements ready immediately, surely the section would have been worded otherwise and the whole Act would have been brought into operation immediately. There must have been some object in putting this period of two years and I cannot imagine that my hon. friend Mr. Kamath and other friends who participated in the discussion could not realise it.

Sir, it has been stated in the Statement of Objects and Reasons that there is a shortage of technical personnel. My hon. friend does not agree with me. The Boards and the Central Electricity Authority require technical personnel of a very high calibre. If the House permits, I might inform the House that even in the matter of recruiting personnel for the Central Electricity Commission the Government of India met with many difficulties and we could not for months together get the right type of persons. In fact, I went out of my way and requested many Provincial Governments. They were unwilling; ultimately it was with great difficulty that we found two men and now they are working in the Central Electricity Commission.

When this Bill was introduced we had before us the views of the Provincial Governments—how keen they are to have provincial electricity boards and how difficult they find to have men of the requisite calibre and requisite qualifications. Now there are smaller provinces like Orissa and certain Centrally Administered provinces and it would be a great financial burden on them if we allow the provisions which are now sought to be amended to continue.

To some extent what my hon. friend Mr. Tyagi said is correct. In 1948 if the head of the Government was swollen and if this Act was passed, it was with the full consent of all the hon. Members of this House. If certain assumptions were there, they were shared by the whole House. If there had been any exaggerated idea about our equipment, well that idea was not exclusively shared by the Government. But that is not the fact. The fact is that it is the desire of this House that there should be rapid industrialisation and it can only be possible if there is cheap and adequate supply of electricity and towards that end all the activities have been directed—whether they take the form of river valley schemes or rural electrification, for electricity is as much required for industry as for agriculture and for domestic use. Now, if the whole object of the main Act was to put it on a rational basis and to increase the supply of electricity we must have a very good agency in each province and that was the main object of the constitution of provincial boards. In order to do that, because it was found impossible to have six full-time members apart from financial considerations, what is being sought to be done by this Bill is that the statutory obligation to have at least three members in the Central Electricity Authority and on the provincial boards is being removed and the whole thing is reduced to discretion. There is nothing to prevent, even after the amendment is accepted, for any Provincial Government to have all the six full-time members, if they get them. There is nothing for the Central Government to have not only three full-time members, but all the six as full-time members, if they get them. So, Sir, this is a very simple proposition and if the House is really earnest, as I know it is earnest, that the provisions of the main Act should come into operation immediately and what is being sought to be done should be accelerated, then I would only request this House to accept this Bill.

A point was raised by my hon. friend Dr. Panjabrao Deshmukh about subsection (5) of section 3. As it is, Sir, the Central Electricity Authority must

have at least three full-time members and the rest can be parttime members. Now by removing this statutory obligation, there may be one or two fulltime members, but if there is one then there is a justification for retention of sub-section (5) of section 3. All the same, Sir, the spirit in which this criticism has been offered will be borne by me in making appointments.

Now my hon. friend Mr. Kamath said that this is not an amending Bill, but an ending Bill. I am very sorry that he should have said so. Suppose I withdraw this Bill and do not proceed with it. The Provincial Governments will not be able to constitute the provincial electricity boards although the Central Government may with some difficulty do so. But that will not serve the purpose. The purpose is as defined in the preamble of the main Act and what is being suggested is the right agency which can be composed much quicker than if the amending Bill is not accepted. That is what is being proposed, Sir. A bit was aimed at part-time members by my friend Mr. Kamath and he said that if the full-time members are horses the part timers will be asses. I take a better view of our officers and of our people.

The point is that in the initial stages there would not be enough work for the Central Electricity Authority. One of their functions is to arbitrate. In the course of the last one year, we found that there were just four or five cases. For this purpose a high judicial authority is required. Am I to pay him Rs. 3,000 P.M. for the whole year or shall I recruit him for a week or two when all the cases will be heard. It is a simple proposition. Therefore, on grounds of economy as well as on grounds of shortage of technical personnel, I have brought this Bill and I can assure the House that it never occurred to anyone of us that this Bill would be interpreted as an attempt to sabotage the provisions of the main Act. Nothing of the kind; on the contrary we are doing our best and if any further assurance is necessary, I can assure the House that I shall certainly remember the spirit of the criticisms so far as sub-section (5) of section 3 is concerned and do my best to see that the Provincial boards are brought into existence as early as possible.

Mr. Deputy-Speaker: The question is:

"That the Bill to amend the Electricity (Supply) Act, 1948, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: There are no amendments to this Bill, except one or two which were received at 11 A.M. and which are not admissible. I will, therefore put all the clauses to the House.

The question is:

"That clauses 1 to 6 stand part of the Bill."

The motion was adopted.

Clauses 1 to 6 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri N. V. Gadgil: Sir, I move:

"That the Bill be passed."

Mr. Deputy-Speaker: Motion moved:

"That the Bill be passed."

श्री लक्ष्मीनारायण साहू : माननीय उपवाचस्पति जी, इस त्रिद्युत केंद्र प्रस्तुत विधि में मुझे दो बातें कहनी हैं। पहले तो मुझे एक संस्कृत का श्लोक याद आता है :
गच्छत्येकेन पादैन तिष्ठत्येकेन बुद्धिमान्

अर्थात् जो बुद्धिमान् व्यक्ति होते हैं वह एक एक पग आगे बढ़ाते हैं। लेकिन हम लोगों की जो यह सरकार है उसका दिमाग खराब हो गया है। हमें सब काम करना है इस लिये जितनी बड़ी बड़ी योजनायें हैं, हम लोगों ने सब शुरू कर दिया और उसका नतीजा यह हुआ कि हम देखते हैं कि हम लोगों के पास आदमी नहीं हैं, रक्षणा भी नहीं है, लेकिन मैं यह भी कहना चाहता हूँ कि जितने आदमी हमारे पास हैं उनका संधान भी हम लोगों ने नहीं किया। मैं तो कह सकता हूँ कि इस हाउस में कम से कम एक ऐसा आदमी है जो एलेक्ट्रिसिटी (electricity) के बारे में बहुत प्रसिद्ध आदमी है। भारत में जब चार पांच आदमियों का नाम एलेक्ट्रिक इंजीनियरिंग (engineering) में लिया जा सकता है तब इस हाउस में केवल एक आदमी है बी० दास। मेरा कहना यह है कि इस समय जब ऐसी परिस्थिति हो गई है कि आदमी नहीं मिलते हैं, तो कांस्क्रिप्शन (conseription) क्यों नहीं करते। कांस्क्रिप्शन करके आदमी लायें। बी० दास को लायेंगे, और जितने भी आदमी होंगे उनको लायेंगे।

The Honourable Shri N. V. Gadgil: He has become a politician.

श्री लक्ष्मीनारायण साहू: He has not yet forgotten electrical engineering. He is still running electrical business.

दूसरी बात मैं यह कहना चाहता हूँ कि हम लोग पार्ट-टाइम वर्कर्स (part-time workers) जब रखेंगे तो पार्ट-टाइम वर्कर्स रख कर मैं समझता हूँ कि जौबरी (jobbery) बढ जायगी। ऐसा करना गवर्नमेंट के लिये जायज नहीं है। गवर्नमेंट सर्वण्ट्स (Government servants) जब रहेंगे तो काम करेंगे, पेन्शन (pension) लेंगे तब चले जायेंगे। यह नहीं होगा तो थोड़े दिन के लिये हम रखेंगे फिर उनको एक्सटेन्शन (extension) देंगे। एक्सटेन्शन देने का भी इसमें तरीका आ जाता है। इस लिये मैं चाहता हूँ कि जब वह पांच बरस काम कर लेंगे तो पांच बरस के बाद दूसरे आदमी जरूर तैयार हो लायेंगे तो क्यों उन्हें एक्सटेन्शन दिया जाय। मैं पूछना चाहता हूँ कि हमने बहुत से आदमियों को, इस देश के नवयुवकों को बाहर भेजा है, क्या वह लायक नहीं हो जायेंगे। तब क्या जरूरत है कि हम कहें कि इन लोगों को पांच बरस तक, दस बरस तक, या बीस बरस तक रखते रहें। इसी लिये मैं यह प्रार्थना करना चाहता था कि आखिर में हम इतना और जोड़ दें कि

"That in clause 5 of the Bill, in the proposed section 8 of the Electricity (Supply) Act, 1948, the words 'but not more than twice' be added at the end".

पांच बरस से दस बरस हो गया, इसके बाद हम उनको नहीं रखेंगे। इनको मृत्यु भी नहीं आती है। इस लिये मैं चाहता हूँ कि जरा इसको सोचना चाहिये और विचार करना चाहिये।

The Honourable Shri N. V. Gadgil: Should that be applicable to the membership of this House also?

श्री लक्ष्मीनारायण साहू : कर सकते हैं, आप चाहें तो कर सकते हैं। मैं यह भी कहना चाहता हूँ कि जितने आदमी हैं, मान लीजिये कुछ आदमी इंजीनियरिंग पढ़ते हैं, इंजीनियरिंग पढ़ने के बाद वह फिर दूसरी लाइन में भेज दिये जाते हैं और जो इंजीनियरिंग नहीं जानते हैं उनको उसमें भेज दिया जाता है। एलेक्ट्रिकल इंजीनियरिंग जो पढ़ कर आते हैं उनको स्कूल में भेज दिया जाता है, जो एग्रीकल्चर (Agriculture) पास कर के आये हैं उनको भी स्कूलों और कालेजों में भेज दिया जाता है। वहाँ वह बास्टरी करते हैं। आखिर यह सब क्या है। यह इसी लिये है कि गवर्नमेंट का बन्दोबस्त खराब हो गया है। मैं चाहता हूँ कि जो साधारण कालेज हैं उनको बन्द करके जब हमें एलेक्ट्रिकल इंजीनियर्स की जरूरत है तो ऐसे कालेज ज्यादा बनायें। गवर्नमेंट उनको क्यों नहीं बनाने देती है। जब तक यह नहीं होगा, तब तक हम धीरे धीरे चलते रहेंगे और सारा काम यों ही पड़ा रह जायगा। मैंने इस हाउस में एक बार कहा था कि आप जितने डैम (dam) बनाने जा रहे हैं वह सब डैम्ड (damned) ही जायेंगे। अगर हम ऐसी हालत में आगे बढ़े तो गिर पड़ेंगे। इस लिये मैं चाहता हूँ कि हमें इसका सोच विचार करके सारा काम करना चाहिये। हमें एक एक कदम सोच सोच कर बढ़ाना चाहिये। इस लिये मैं केवल इतनी प्रार्थना करना चाहता हूँ। मैं इसका विरोध नहीं करता हूँ लेकिन इतना कहना चाहता हूँ कि हमें होशियारी से बढ़ना चाहिये।

(English translation of the above speech.)

Shri Lakshminarayan Sahu (Orissa: General): Sir, I have to say two things in connection with this motion before the House about electricity. I am, to start with, reminded of a shloka in Sanskrit:

Gacchatyeken padena tishthhatyeken buddhiman.

It means that wise people advance step by step. But the brain of this Government of ours has got deranged. Since we have to do everything we have launched all our big projects with the result that we find that we have neither men nor money. But I also want to say that we have not been able to utilize the services of whatever men we have. I can say that there is at least one man in this House who is well-known in the field of electricity. Whereas just four or five persons can be named in the field of electrical engineering in India, there is just one man in this House, viz., Shri B. Das. I want to say that when such a situation has arisen that men are not available why not resort to conscription? Men should be provided by means of conscription. Shri B. Das will be brought in and all other available persons will be brought in.

The Honourable Shri N. V. Gadgil: He has become a politician.

Shri Lakshminarayan Sahu: He has not yet forgotten electrical engineering. He is still running electrical business.

The second point that I wish to raise is this that if we engage part-time workers this would encourage jobbery. Such a course of action is not proper for the Government. Government servants will work while they are there

[Shri Lakshminarayan Sahu]

and will go when they get a pension. If this is not done we shall be engaging them for a few days and then giving them extension. Then there is the method to be followed in giving extensions. I am of the opinion that when they will have worked for five years other men will certainly have received the training. Then why give them the extension. I want to ask whether the large number of youngmen we have already sent abroad will not become fit enough. Then, where is the need for us to say that we shall extend the employment of these persons for five, ten or twenty years. Hence, I wanted to submit that at the end we should make the following further addition:—

"That in clause 5 of the Bill, in the proposed section 8 of the Electricity (Supply) Act, 1948, the words 'but not more than twice' be added at the end."

Instead of five years we make it ten years; beyond that we will not keep them. There is not even death for them. Hence, I want that we should think over and consider it.

The Honourable Shri N. V. Gadgil: Should that be applicable to the membership of this House also?

Shri Lakshminarayan Sahu: You may do so, if you like. I also want to draw your attention to another point. There are, for instance, some people who are engaged in the study of engineering. After they have studied engineering they are sent over to some other line while those who do not know engineering are turned over to this side. Those who come after having studied electrical engineering are sent to a school. Those others who have come after having done studies in agriculture are also sent to schools and colleges where they work as teachers. After all, what is all this? This is because the Government's administration has deteriorated. I want that if we are in need of electrical engineers we should close ordinary colleges and start more of the other type. Why does not Government let them be started? Until this is done we shall be proceeding at a slow pace and the entire work will remain as it is. I happened to remark in this House once that all the dams that you are going to construct would be damned. If we advance in such a position we would fall. Hence, I want that we should embark upon all this programme after full consideration. We must take every step after full deliberation. This is all that I wish to submit. I do not oppose it but I would say that we should advance with care.

Mr. Nasiruddin Ahmad (West Bengal: Muslim): Sir, I accord my support to this Bill. With regard to the misgivings which have been freely expressed in this House, I do not share them. Of course, it was true that the Government was rather a bit optimistic in their approaches to problems, but the whole country was with them and the whole House also cheered them and supported them. They would have been false to the country if they did not invite and accept some of the enthusiasm which was expressed in the House.

With regard to the interpretation of the words "full time", they still remain in subsection (5) of section 3 of the parent Act and I think there will be no difficulty at all. In fact when we delete the condition of full time members, as we do in clause 3, we remove the expression in two places, but retain the expression in another place, sub-section (5). The result of that would be that this would indicate that the appointment of full-time members as well as part-time members would not be prohibited; rather the words full-time in sub-section (5) would indicate that the Government would be enabled to appoint full-time members as well as part-time members. Now if the words "full-time member" is retained in subsection (5), the effect of that would be that if there are full-time members, sub-section would apply to them. It would not be possible to interpret this Act with reference to what is now existing, that is, after the amendment. After the amendment the

Act is to be read as it is, without reference to its past history. That is a mode of interpretation which is not proper in interpreting a statute. In interpreting the statute as it would stand with the amendment, it would not be proper to look into the Act and see what was before. That was laid down in the Privy Council case of Premila Varma and that is a leading case and now the Act, as amended, will have to be looked into and not the Act as it stood previously, in interpreting the present amendment.

Sir, something has been said about pitfalls in the scheme and when Mr. Kamath began to speak the electricity failed. It may be due to the fact that Mr. Kamath was responsible for the failure of the electricity. (*An hon. Member*: How?) It was merely an accident and as soon as he stood up the electricity failed, but there is another kind of accident which appears in the Act itself. When the original Act was published, it was published without the part of the list of sections, of the heading, the Preamble, sections 1, 2, and section 3, sub-sections (1) to (5); that was entirely omitted. I have got the original Act.

Shri M. Tirumala Rao (Madras: General): Why don't you give notice of amendments?

Mr. Naziruddin Ahmad: That was another accident. The earlier part of the Act as it was printed is missing.

Mr. Deputy-Speaker: That is an indication that those clauses will have to be amended later.

Mr. Naziruddin Ahmad: Yes, Sir. In fact the printer had the premonition as to what was coming and so he omitted them, but later on that part which was omitted was reprinted and the whole Act has now to be read in two different instalments. However, that is a minor printer's devil. There will be no difficulty in interpreting the Act. So far as the principles of the Bill are concerned, they are acceptable. The whole thing depends on how they are worked.

The Honourable Shri N. V. Gadgil: I have nothing to say.

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

CINEMATOGRAPH (SECOND AMENDMENT) BILL

The Honourable Shri E. E. Diwaker (Minister of State for Information and Broadcasting): Sir, I beg to move:

"That the Bill further to amend the Cinematograph Act, 1918, be taken into consideration."

The main object of the amendment proposed in this Bill further to amend the Cinematograph Act of 1918 is to bring the censorship of films under a single authority. According to the Act as it stands at present, the authority to censor vests in each Provincial Government. Under the Act, no film, which is not certified by a constituted authority, can be exhibited in any licensed place. All the Provinces have not set up Boards. At present they are functioning in only five places, Bombay, Madras, Calcutta, Nagpur and Simla. A certificate issued by any one of the Boards is valid throughout the territory which was hitherto called British India, i.e., Union territory. So the territory in the States was excluded under the present Act. But at the same time Provincial Governments have power to uncertify any film within

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their respective jurisdiction on any grounds. The result has been that several independent Boards have been functioning, each deriving authority from its respective Government and it has not been possible to evolve any uniform policy.

Similarly, each certifying authority and all District Magistrates have power to suspend the certificates of films in their area and each Provincial Government has unrestricted power to declare films to be uncertified films. As a result, films certified by one Board are often uncertified in other provinces on grounds which reflect nothing more than a difference of opinion about the suitability of the film for public exhibition. Examples of such films are "Loves of Carmen" which was certified by the West Bengal Board of Film Censors but has been uncertified in Bombay, East Punjab, U. P. and Assam; "Kidki" which was passed in Bombay and uncertified in Orissa and Madras; "Lucky Stiff" which was passed by West Bengal but uncertified in Madras and U. P.; "Matlabi" which was passed in Bombay but uncertified in U.P., Madras and West Bengal and "Ram Ban" was passed in Bombay but uncertified in Madras. Sometimes, films passed in a province are subsequently uncertified in the same province, reflecting merely a revision of the opinion of the Board or Provincial Government about a film. Examples of these are "Postman Always Rings Twice", "Nek Parvin" and "Jugnu" which underwent two suspensions and two revisions. Moreover, when copies of the same film are submitted to two different Boards, portions objected to by one are sometimes passed by another. A prominent example of this was Hamlet which was passed without cuts by the West Bengal Board but certain portions of it were objected to by the Bombay Board. In the case of Adventures of Don Juan, the Bombay Board found no objection, while the West Bengal Board considered certain portions objectionable. Further, under the present system, there is nothing to prevent a film which has been rejected by one Board from being submitted to another and passed by it. This is what happened in the case of the film "Lucky Stiff" which was rejected by the Bombay Board but was passed by the West Bengal Board and it has happened in the case of the film "1942", which the West Bengal Board refused to certify but has been passed in Bombay. Such differences of opinion among the certifying authorities, which are there for no fault of the Censor Boards, but are inherent in the system that is prevalent today and are contrary to public interest as they create an impression that censorship is capricious. As a result, censorship fails to command the respect it ought to command and to exercise any influence in raising the standard of films as a medium of education and healthy entertainment. The Government of India have come to the conclusion that a radical change is necessary in the system of censorship if these anomalies are to be removed and uniformity is to be achieved. The Bill under consideration will enable this change to be made by replacing the existing Provincial Boards of Film Censors by a single Authority appointed by the Central Government.

The film in modern days is a powerful medium not only of entertainment but also of information and education. But if the fullest possibilities of this medium are to be explored and utilised, it is necessary to raise the standard of films as also to have a uniform policy throughout the land so that producers may be able to know what is expected of them in the new set-up. The co-operation of the producers and others in this great industry is necessary in this matter if the film is to help us in the noble task of nation-building and of educating the vast democracy of India. Uniformity in general standards of production as well as in censorship throughout India will remove the present anomalies and vagaries indicated above and will help planning of production on an all-India scale without apprehensions of being disallowed in some parts of India and allowed only in some others.

There are no doubt differences in language and also other regional differences. I am fully conscious of that fact. India is a land of variety and it is this variety that gives it also the richness that is so obvious in its arts and crafts and in the various aspects and activities of life. But the redeeming feature, and that which makes us feel as one, is the underlying unity which is basic and vital in Indian culture. Whatever the political and administrative vicissitudes that India has passed through, her cultural unity from Kashmir to Cape Comorin has persisted through the ages. All this diversity can well be accommodated in any scheme of censorship that would come into existence under this amended Act and at the same time a central unity can be maintained.

I may now trace the history of this Bill which is very interesting. As far back as 1927-28, this question came up before the Indian Cinematograph Committee that was set up by the Central Government. That Committee among other things recommended the establishment of Central Censorship. The then Government, however, did not pursue the matter as they lost all interest since the enquiry took a turn which they had not anticipated.

Later when there were lots of complaints in newspapers about the anomalies arising out of different Censor Boards in different provinces, and also complaints from producers as to how those anomalies came in the way of more and better production, the question was taken up by the Central Government. The Industry as well as the Provincial Governments were consulted. The Industry through their associations and most of the Provincial Governments agreed to the principle of Central Censorship. One of them, however, suggested a variation by saying that the Central Board should only lay down the principles and the Provincial Boards should function as before to carry out the principle. Another suggested that the Central Board should be situated in a particular place and so on. When the Government saw that there was a general consensus of opinion in favour of some kind of Central Censorship, this Ministry consulted the Standing Advisory Committee of the Legislature which agreed to the proposal. But since legally speaking, though the subject is in the Concurrent List, without an Amendment of the Government of India Act, 1935, the Central Government had no executive authority in the provinces on this subject, and therefore an amendment was moved and passed in January 1949 to that effect. It is according to powers taken for the Central Government under that amendment that this Bill is being moved.

Later, however, the censorship of cinematographs, which is in the Concurrent List, has been made a Central subject and included as Item 60 in Schedule Seven, Union List. Therefore, this item will be entirely within the purview of the Constituent Assembly from 26th of January 1950, when the new Constitution Act of India is proposed to be promulgated. If we pass this Bill now in this session it may be possible to set up the machinery for Central Censorship in due course when the new Constitution would have begun functioning.

Now, as regards the provisions of the Bill—

- (i) This Bill extends the Cinematograph Act to States and States Unions.
- (ii) It confers power on the Central Government to constitute a Central Authority for certifying and examining films for public exhibition.
- (iii) It confers power on the Central Government to make rules regarding the manner in which the authority shall be constituted, the procedure for examining and certifying films and the fees to be levied for censorship.
- (iv) It provides for appeal from the decisions of the Authority to the Central Government.

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- (v) It confers power on the Central Government to uncertify a film and convert 'U' certificates into 'A' certificates.
- (vi) It confers power on the District Magistrate and the Provincial Governments and States to suspend the exhibition of certified films if in their opinion the films are likely to lead to a breach of the peace. This suspension can be in force only up to a period of two months. If extension of the period of suspension is required, a reference will have to be made to the Central Government.
- (vii) It confers powers on the Provincial Governments to make rules regulating cinematograph exhibition from the point of view of public safety.
- (viii) It authorises the Central Government to issue directions for the exhibition in theatres of—
 - (a) scientific and educational films,
 - (b) documentaries and news reels, and
 - (c) an adequate proportion of indigenous films.

The main effect of the Bill will be to replace the existing Provincial Boards of Film Censors by a Central Authority. The details of the Central Authority have been left to the Central Government. Government will see that the Authority is so organised as to be able to deal with films in all languages and all regions of production and is competent to safeguard the public interest without any harassment to the producers. In view of this and in view of the interest of the film industry in this matter, it will be necessary to examine in detail the Authority to be set up.

In the context of centralisation, retention by Provincial Governments of powers of uncertification will be unsuitable as it will defeat the very objects of centralisation. But as law and order is a Provincial responsibility, Provincial Governments have been given the power to suspend the exhibition of films which they think are likely to cause a breach of peace. The period of suspension has been limited only to two months because local disturbances or tension of the nature contemplated will be but a passing phase. Exceptional cases will be covered by the procedure for reference to the Central Government.

The provision relating to directions for the exhibition of documentary films and news reels etc., is intended to ensure the existing arrangement for the exhibition of "approved films" by cinemas which has been secured by the addition of a condition in the licences. "Indigenous films" have also been included in this provision so that the Central Government may have powers to counter any unfair competition from foreign films which the Indian film industry may have to face. Signs of such competition are visible in recent instances of foreign films dubbed in Indian languages and circulated to Indian language cinemas which hitherto constituted an exclusive market for Indian films. The last Indian Cinematograph Committee (1927-28) had recommended certain measures of protection and the Committee now sitting may recommend similar measures. The provisions proposed in the Bill will therefore be useful.

The Cinema Industry has been fast growing not only in volume but also in interest and importance. A fresh Film Enquiry Committee has been recently set up which is going thoroughly into all the aspects of that industry. I hope it will soon come out with its report when, if necessary, some fresh legislation may have to be taken in hand. But since this reform has long been pending it was thought necessary to put it through at the earliest. I hope the House will cooperate with me in putting these provisions in the Bill on the Statute Book. I have placed before you, Sir, the Bill, its objects, its history in brief, and the main provisions. I hope it will commend itself to the House and after consideration it will be passed. With these words I commend the Bill to the House.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Cinematograph Act, 1918, be taken into consideration."

Shri M. Tirumala Rao (Madras: General): Sir, this Bill is very limited in its scope, but it raises very important issues. The hon. Minister in charge of Information and Broadcasting, and in a broader sense including cinema and film production, should have taken a more comprehensive view of the matter instead of bringing in piecemeal legislation before this House. He brought forward one Bill in the last session whereby the exhibition of films which are not desirable for juveniles should be prohibited. Power was taken under that Bill for Government to prohibit such films as would be undesirable for exhibition to juveniles and adults. After that, the hon. Minister appointed a Committee to go into this whole business of film production and I feel that he should have awaited the report of that Committee before he brought forward any Bill before this House. That Committee when it was appointed by the Government of India, were criticised as not being fully representative of all the interests concerned, because only the interests that were vitally affected in Bengal and Bombay got representation on it and Madras was denied proper representation. Now, Sir, Government are asking for comprehensive power for appointing a Central Censorship Authority for the whole country. With a variety of manners and customs and with different standards of judgment of good and bad, in the country, the Government have a great responsibility, and therefore my hon. friend should have awaited the report of that Committee before he came here with this Bill. Sir, in this country now there are about seven Censorship Boards in the provinces. The hon. Minister and many of my colleagues know how they are constituted and how they are working. These Censorship Boards are fields of patronage for provincial governments, where some people who claim professional as well as amateur experience and expertness in this matter, somehow manage to get in. These Censorship Boards are always surrounded by film producers.

Dr. P. S. Deshmukh (C. P. and Berar: General): By whom are the film producers surrounded?

Shri M. Tirumala Rao: By film artists, both men and women.

Shri Suresh Chandra Majumdar (West Bengal: General): That is not the case in Bengal.

Shri M. Tirumala Rao: Sir, in our country we have about sixty studios in operation and about 250 film companies with about ten crores of rupees as capital. Once a film is produced, those interests, not only the producers but the men behind the producers, the men who have put money into the picture, somehow manage to get the films censored or accepted by the Censors. What is the ideal before these producers? The only thing that counts is the box office. And what is the inducement, what is the influence that swells the box office? Vulgar exhibition of the sex appeal, half-concealed and half-revealed postures and poses, which will not generally appeal to decency. That is the one thing which is being propagated by these Indian films and also some foreign films. And it is no wonder that juvenile crimes are on the increase. The crimes are generally picked up from the films.

Dr. P. S. Deshmukh: Specially American films.

Shri M. Tirumala Rao: The theme of these films is either sex or crime or shooting one another, or some blood-curdling or hair-raising situations, with the sole purpose of attracting money. Therefore what I say is this: The responsibility of the Central Government is very great. We have not given here any standard by which the Central Film Censorship Board can be guided in the

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ensorship of films. And then, you have not taken the House into your confidence on the sort of people you are going to put on this Board. If it is only a question of mere patronage to some friends or people who claim to have—the so-called sinister word—*influence with the Government of India*, then 4 P. M. I do not think any good results will follow from this Bill. The Minister must tell us what are his ideas in regard to the qualifications of the members, and what are the standards by which the Boards will be guided.

India is a land of several languages. Films are produced in Hindustani, Tamil, Bengalee, Telugu, Marathi, Kanarese and even in Malayalam, the latest in the field. There are about seven or eight languages in which films are produced and the number of the expert committee at the Centre should not be unwieldy. Two or three members for each area would mean 25 or more and if all of them were to exercise their judgment on all the films it will be an unwieldy concern.

It is not enough if the Central Board is simply a censoring board. I want the Government to assume responsibility for the management of this industry. Apart from newspapers and the radio the film is an effective medium of propaganda and education for the vast illiterate population of this country. You must be literate to understand newspapers, to understand the radio you require a certain standard of education but the film appeals to the emotions and the native commonsense of the people and therefore a greater responsibility devolves on the shoulders of the Government in seeing to it that the right type of films are produced.

We have seen recently one film under distinguished patronage. The members of the Assembly were carried in cars to see it. The name of the film is "Bapu ne kaha tha" which was produced by a wealthy financier of Calcutta. He wanted to exploit the name of Gandhiji but there was nothing connected with Gandhiji in the film. We felt blasphemous that this capitalist should have exploited the sacred name of Gandhiji to reap a little financial benefit.

Another film to which we were dragged was called "Maharaja Asoka". The film had nothing to do with Asoka. The story was distorted, the photography was clumsy and everyone of us had to regret our visit.

My friend referred to the film "Kidki". In that film they have put in on both sides of a road a girls' and a boys' hostel. The young girls in the windows on one side are beckoning signs and singing lascivious songs and the boys on the other side reply with equally lascivious songs. This film was passed by the Censor board. I wonder what sort of people compose the censor boards who pass such films for exhibition.....

Mr. Deputy-Speaker: Some of them must be students!

Shri M. Tirumala Rao: In another film a young man dresses like an old man, pretending to be the father of a girl and enters a girls' hostel. That is the way things are taught to our young men and women to circumvent codes of morality and dignity.....

Dr. P. S. Deshmukh: These devices are being taught when we have lost our youth!

Shri M. Tirumala Rao: There is also a picture where a man enters a girls' hostel in the garb of a woman. Therefore all the possibilities are not exhausted for my hon. friend.

There is an immense field for educational films or for the development of real acting. In the history of the British film industry, Government, public opinion, universities and educated men and women have devoted part of their time

to evolve a healthy public opinion with regard to film production. The character acting by Paul Muni or George Arliss is well known. Even the lives of their great men they have brought into their films. There is the story of Parnell whose infatuation for Mrs. Oshea was responsible for the destruction of his leadership in Ireland. That was finely portrayed in the picture by that name. Then there is the picture portraying the utopian love of Nelson for Lady Hamilton.....

Shri H. V. Kamath (C. P. and Berar: General): Why Utopian?

Shri M. Tirumala Rao: I give it that interpretation. The lives of Queen Elizabeth, Queen Victoria are portrayed in films. The lives of national heroes are a real education to the people. We have also some films like Harish Chandra and Rama Rajya. But the actors who assume the role of the characters must be men of public esteem. In England all their big actors are honoured. In the community they have a social status. Once they attain a certain status in the country their merit should be recognised. The stigma that attaches to film-acting should be removed. For that, the Government should organise a proper system of patronage and recognise merit, so that decent people will be encouraged to come into the field.

With regard to educational films Government are producing some, but that is not enough. It is due to you, Sir, that the Films Division of the Government of India was abolished in 1946. Soon after when the popular government came into existence they realised that this potent instrument in the hands of a popular government should not be done away with. They have revived it but we have to revive it on a more comprehensive and more efficient scale. It is still in its beginning. I hope the Minister will develop the Films Division so that it may become a model for private industry. He should see that not only our industries are depicted but our culture is also properly resuscitated. In Telugu there are some films like Thyagaraja, Poltiam, and other *bhaktas* who have left their indelible mark on the culture of the people. Not only the lives of ancient historical personages and *bhaktas* but also the lives of the makers of modern India should be recorded in films and handed down to posterity.

The proposed Section 9 (3) says: "The Provincial Government may make rules to provide for the regulation of cinematograph exhibitions for securing the public safety." The hon. Minister has not given an explanation as to what he means by public safety.

The Honourable Shri R. E. Diwakar: Fire and other things.

Shri M. Tirumala Rao: I was thinking whether it meant combating anti-social movements, like the Communist menace, dacoities, burglaries, teaching people road safety.....

The Honourable Shri R. E. Diwakar: These are the usual words used.

Shri M. Tirumala Rao: Public safety may mean anything and it should be made clear if films are to be used for propaganda of certain varieties, such as safety first campaign in road traffic. The meaning of the words 'public safety' should be explained.

Power is given to district magistrates to suspend a film for some time.

The Honourable Shri R. E. Diwakar: Only for breach of peace.

Shri M. Tirumala Rao: The provincial governments can suspend the licence of a film for a couple of months. Once a film is censored there must be a proper authority, equally, if not more competent, to review the decisions of the licensing authority, if there is any flagrant injustice.

With these words, Sir, I support the motion.

Begum Alsat Rasul (U.P.; Muslim): Sir, I welcome this measure inasmuch as it seeks to centralise the censorship of films. As the hon. Minister has told us and as we are aware, there are certain Censor Boards in a few Provinces in existence today. But in other Provinces there are Cinema Advisory Committees which have been appointed by the Provincial Governments to advise them on any film that is being shown to which objection may be taken by the public. I happen to be a member of the Film Advisory Committee in the United Provinces. The functions of that Committee are very limited. If objection is taken to a film or part of a film, which is being shown in any part of the Province, then the District Magistrate of that district has to report to Government that this film is objected to on certain grounds and then only does the Provincial Government call a meeting of the Advisory Committee. I have always felt that such a Committee cannot rightly serve the purpose it is appointed for because the mischief done by that film or part of that film that is objected to has already to a great extent been done. By the time the report is made to the Provincial Government and a meeting of the Advisory Committee is called to give its opinion on the film, the film has already been shown in many parts of the Province and the harm has to a great extent been effected. Therefore, as I said in the beginning, inasmuch as this Bill seeks to centralise the censorship of films, I welcome it.

But the hon. Minister has not made it clear as to how this Central Censorship Board as well as the Boards that are intended to be appointed in the Provinces are going to be appointed and who will be put on them. That is the main question, because, as has been very rightly pointed out, if these Boards do not contain members of independent views then the appointment of such Boards will really not mean much. I hope that the hon. Minister will pay attention to this side of the question.

It is well known that the film industry in India is one of the very few indigenous industries of the country that is fortunately flourishing and has shown good results. We do not want to gag that industry in any way. I wish to impress upon the hon. Minister that it should be kept in mind that the industry should be given every scope for expansion, and all help should be extended to it in keeping with high standards of morality and efficiency so that it may not happen that by the institution of such a Board this industry suffers in any way.

We all realise that the cinema in the modern world is one of the main channels of propaganda which in a vast country like India can be utilised to very advantageous purposes by showing to the public films of educative and cultural values. We all know by the box office returns of the Indian pictures and the number of people who go to see them how popular they are. Therefore there is no reason why these films should not be developed on lines which while not taking away from the popularity of those films will at the same time give the people a lesson in the highest standards of culture and education. There is no doubt that today there are very few avenues of recreation for our people, and especially for the lower classes the cinema is the only form of recreation to which they can resort after working hard all day long. Therefore to some extent, some laxity will have to be allowed in these films as regards songs and the lighter side of things. But, as my hon. friend Mr. Tirumala Rao very rightly pointed out, some standards should be maintained, particularly a certain standard of morality and education, and the films should give our people a right idea as to their behaviour and manners. These should always be considered as a necessary part of the objectives we have in view as regards our films. I do not agree that all films should be educative films. There are different types of films, and they cater to the tastes of different people. But there is no doubt that the music that is exhibited in our films today is the most popular form of

music now. I have heard this not only from individuals but I know it also as a member of the All India Radio Advisory Committee. It was reported to us that when the All India Radio office sent out questionnaires about the type of music that the public wanted on the radio and which they liked most, more than 75 per cent. of the replies received advocated the music and the songs that are being exhibited today in the Indian films. There is no doubt that they are very popular, and if a certain standard of morality and efficiency is kept up I do not see any reason why they should be discouraged.

There is another question to which I would like to refer in this connection and that is about the language.

[At this stage Mr. Deputy-Speaker vacated the Chair, which was then occupied by Shrimati G. Durgabai (one of the Panel of Chairmen).]

The popularity of these films today shows that the language which is being used in the films—I am referring to the Hindustani language—is extremely popular. There has not been a single complaint as regards that language. I sometimes go to see these films and I do realise that that language is one that appeals to the masses, is most popular, and that is most understandable. I therefore hope that the hon. Minister will keep this in view, namely, that the standard of the Hindustani language that is being used today in the Indian films is kept up, because, as I said, the very popularity of these films shows that that language is the most acceptable to the masses who go to see them.

There is no doubt, madam, that up till now a very different type of people was attracted to the film industry. That I suppose was to a great extent the reason for the low standard of films that have been objected to. I really feel that some of the Indian films ought to be banned from being exhibited because they are so much below the standards and are not worth being shown to any one in this country, especially children. But I am glad to say that a better class of people is being attracted to the cinema industry and I have no doubt that on account of that the standard of this industry will certainly go up to a great extent and the industry will improve day by day.

I don't think I have anything more to say except that, as has just been mentioned by the previous speaker, the cinema is certainly a means of propaganda by which we should do everything to educate our masses along the right lines. Some reference was made to the subject of love scenes exhibited in Indian and European films. I do agree that the love scenes shown in our Indian pictures are most absurd. They don't tally with the social conditions of our country. I may say openly that I hardly ever allow my children to go and see an Indian picture and would much rather allow them to go and see an English or an American picture because this sort of thing has a great effect upon the child's mind. If a child sees a love scene being enacted in an English picture, he also realises that it does not concern his country, that the social conditions depicted are not those prevailing in his own country but those of an alien country, and therefore the effect on the child's mind is not so great as it would be if he sees this sort of thing being shown about his own country. I would not object to it if these conditions prevailed in our country but because these are so different from the real conditions of Indian society, and a film should be a mirror of the social manners and customs of the country it is made in. Therefore, from this point of view also, I do expect and hope that the standard of our films will go up so that our children can see them without any danger of bad or injurious results upon their morale or upon their mental make-up or upon their psychology. All these points have to be kept in mind when the Board of Censors sees these films and censors them.

[Begam Aizaz Rasul]

Of course, it would have been better if this Bill had been brought forward when the Film Enquiry Committee appointed by Government had submitted its report, but anyhow I don't think there is any harm in having brought forward this Bill now because that Committee may take some time to report and in the meantime if Government brings in interim legislation on this very important subject, I welcome it. It is high time that this sort of a thing is legislated for. I only hope that the personnel of these Committees in the Centre as well as in the Provinces will be such as will not be dominated by the industry and that public opinion and non-official members will be associated with these Committees to advise the authorities on the right lines.

Shri V. I. Munishwamy Pillay (Madras: General): Madam, I feel proud to address this House when you are in the Chair. At the outset let me inform this House that the film industry has greatly improved in this country. As regards the present Bill all that we have to see is whether the objects and reasons set out in the Bill will help to give a greater impetus for the industry.

My hon. friend Mr. Tirumala Rao observed that members of the Film Board are surrounded by film producers and more so by film stars.

Shri M. Tirumala Rao: No, no. That was the interpolation by my friend Dr. P. S. Deshmukh.

Shri V. I. Munishwamy Pillay: I did not know that, but as a member of the Film Board for many years in the Madras Province, I may say it was not the case at all. It depends upon the members who take up that job.

Coming to the very provisions of the Bill, the vital question is whether by centralising it will be helpful in the improvement of the industry. As my hon. friend Mr. Tirumala Rao told the House, we have to view the language question, seriously. As he pointed out, unless we have a Central Board of nearly twenty or twenty-five members, drawing two or three members from each linguistic province, I do not think the work of the Central Board will be done so efficiently and quickly.

As explained by the hon. mover, there have been difficulties in a film being certified by a certain Province but not being accepted by the other Provinces I know there is that difficulty. Take for instance the Madras Province where there is total prohibition. I have known certain films certified in Bombay which were exhibited in Madras and which contained scenes showing the advantages of drink. Naturally, after the exhibition of that film the Film Board and the Government have to take serious notice and do whatever is necessary to stop the exhibition of such films. In such cases, I think what the hon. mover stated is correct. But as it is, will it be possible to do so at present? Unless we come to have a common language, the question is whether a Censor Board in the Centre will be able to meet the demands of each Province.

There is another difficulty also as pointed out by my hon. friend Mr. Tirumala Rao. When a certain film is exhibited in a district, if some people out of jealousy were to tell the Magistrate that there will be a breach of peace, he may suspend its exhibition. But what about the party concerned who procured that film? If the Magistrate suspends its exhibition for two or three months, the mun who was responsible for getting the film will be a great loser. So, there is some defect in this Bill but I hope that as time goes on the hon. mover will see his way to improve all these things.

Madam, I feel that this Bill is necessary but not in all respects.

Shri O. V. Alagesan (Madras: General): Madam, the object of this Bill as the hon. mover told us is the centralisation of censorship. This question was gone into at great length by the Rangachari Committee that was appointed some

two decades ago. It was they who reported that there will be greater advantage to the film industry if there is a central board of censorship exercising censorship instead of having various provincial censor boards. The hon. the mover also referred to the opinion of the Committee in his opening speech. The Committee was of the opinion that the Central Board would not be able to cope up with the work of censorship for the whole of India. They recommended that there should be provincial Boards also and they should have the power to certify the films and that certificate should be valid throughout India. They made this recommendation at a time when the cinema industry was not in such an advanced state as it is now and also when the cinema habit had not spread among the people as is the case now. If even at that time they felt the necessity of making such a recommendation, then it goes without saying that to dispense with Provincial Boards at the present time will not be conducive either to the industry which Government wants to flourish or to the public to whose interest it will not be doing justice. My hon. friend Mr. Tirumala Rao pointed to the language and other difficulties. More than that, it will not be possible for one Central Board at Delhi to handle the entire volume of work. In this connection, I would like to read a few sentences from the report of the Committee. Although it is more than two decades old, it holds good even today, because the recommendation that they made then is sought to be given effect to only now in the form of this Bill.

They said:

"It is obvious that a Central Authority so constituted would not be able to do the censorship for the whole of India and Burma....."

Burma was then part of India—

.....without causing delay and inconvenience to the distant importers and producers etc, etc."

They again opined:

"There should be Provincial Boards where necessary for the censoring of locally produced feature films and where no Central or Provincial Board exists, power should be given to the Presidency or District Magistrate to certify topical films."

This they recommended as a *via media* for the then existing state of affairs. That position continues even now. About the advantages that would accrue they said:

"We venture to believe that the scheme—

that is, the scheme that I gave in brief just now—

.....given above will meet all reasonable objections against a Centralised censorship and also meet the criticisms of the existing censorship..... It will achieve uniformity of standard, while preserving elasticity and safeguarding provincial and local rights."

So, Madam, I should like to appeal to the Minister to have this compromise and have Provincial Boards also. It would not be enough to delegate powers as is done in proposed section 9. That will not satisfy the needs of the various localities and provinces. I would urge upon the Minister to accept suitable amendments providing for the existence of Provincial Boards also side by side with the Central Authority.

Even the other day, an hon. Member of this House, who is also a member of the Standing Committee of the Ministry concerned, told me that there is no idea to do away with Provincial Boards. But to my surprise I heard the hon. Minister just now saying that the Central Authority is going to replace the present Provincial Film Censor Boards. I do not think it will be a proper procedure. It would be rather belittling the work of the various Provincial Film

[Shri O. V. Alugesan]

Censor Boards, of which I find now that some hon. Members of this House are also members. They have been doing good work. But for the half a dozen instances where a film certified by one Board was not certified by the other the whole thing has been working smoothly. Instead of one extreme, it would not be good to go to the other extreme. It would be better to strike a *via media*. The Central Authority can lay down uniform standards and issue instructions as to censorship and exercise effective control over Provincial Boards. Nobody objects to that. But to entrust the whole work of censorship for the entire country to a Central Authority would not be advisable.

The next important object of this Bill after centralisation of censorship is contained in proposed sub-section (2A) of section 5. The new provision that is sought to be made here is a welcome one. Central Government may issue directions from time to time to licensees to exhibit films in India for educational purposes: films dealing with news and current events; documentary films, and others. I should like to take this opportunity of telling the hon. Minister that the Films Division of the Government of India should be made to work more effectively. The previous speaker hon. Shri Tirumala Rao also emphasised this point. It is no use putting in a provision, if it is only to remain a dead letter. They should produce educational films for mass adult education purposes on subjects like agricultural operations, public health, social hygiene and so on. They should then distribute these films to the various exhibitors and ask them to exhibit them. These producers may not be anxious, out of philanthropy, to make these films themselves and exhibit them along with their own other films. This provision should be made full use of and the Central Government should take upon itself the responsibility of not only producing these important educational films, but they may even import useful foreign films on various subjects and distribute them. Films of places of archaeological interests like Ajanta, Ellora caves, the Madura Temple and Mahabalipuram sculptures, etc. should be taken and exhibited all over the country. If this is done, it will foster the cultural unity of the country. It will incidentally help people who will not be able to travel to these distant places to derive the benefit of seeing them in a film.

Madam, I need not speak at length on the question of adult education. Only the other day the Education Minister was bewailing his inability to put forth all his adult education schemes into effect owing to financial stringency. What the hon. Minister for Education now finds it impossible to do can very well be done at a lesser cost, if I may put it like that, by the Minister for information and Broadcasting.

There is another matter, Madam, to which I should like to draw the attention of the House and that is the very vexed question of restrictions on film footage. Hon. Members might have noticed the acute controversy that is going on in the press on the question of restriction of film footage.

[At this stage Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar) resumed the Chair.]

While it may not be altogether undesirable to restrict footage, I should at the same time point out that too much meddling in matters like this may not be quite advisable. After all we are not regulating the hours of work in a mine or in a factory. If a film is long and if it is also bad people certainly will not patronise it because of its length. If, on the other hand, there is a short film and yet a good one, that is bound to be patronised by the people. Time and taste will have their play and matters will adjust themselves. Moreover, the public have become sufficiently critical of these films nowadays, with the result that they will be able to distinguish between a good film and a bad

film and patronise only good ones. The question of film footage can, therefore, be very well left to the industry and there need not be restriction imposed by the Centre or by the authority that is intended to be constituted.

Sir, proposed section 7 gives power to Provincial Governments to suspend the certificate for a limited purpose stated in the section. It is good that such power is given. It was there in the previous Act.

The proposed section 11 gives power to exempt certain films from being censored. I think this is intended to cover cases of educational films and other propaganda films. These films should be made more attractive and the news-reels of the Films Division that are at present shown in the cinema houses of Delhi do not very favourably compare with the foreign news-reels. I am mentioning this because I find there is an amendment that this section may be omitted as it is not necessary.

Again, Sir, my hon. friend Mr. Tirumala Rao was explaining the objectionable nature of the obscene films. Of course the Censor Board is there to take care of this matter. But there is one other matter which even the Censor Board, at present, is not empowered to do and that is the banning of obscene posters. They cannot be submitted for prior censorship.

Shri C. Subramaniam (Madras: General): But the police can take action under the I. P. C.

Shri O. V. Alagesan: But without recourse to the Penal Code the magistrate or the police should be empowered to order removal of such posters from being exhibited. If it is possible, this may be provided in the rules.

I would once again request the hon. Minister to see that he does not by one stroke of the pen do away with the Provincial Boards, but retain them and utilise their services as at present.

Mr. Deputy-Speaker: Shrimati Durgabai.

Shri Krishna Chandra Sharma (U. P. General): Sir, may I know what is the criterion for catching your eye, because I have been trying to catch your eye so many times?

Mr. Deputy-Speaker: I would like to inform the hon. Member that when I was about to leave the Chamber I had his name in mind and asked Shrimati Durgabai to call him, but when his turn came the hon. Member was not in his seat. I am trying to see that everybody catches my eye and there is no discrimination. Moreover the hon. Member is a Member of the Standing Committee and I would like Members of the Standing Committee to give us the benefit or their information of the Departments. The debate is likely to proceed till Monday and the hon. Member is bound to have his chance on that day.

Shrimati G. Durgabai (Madras: General): I will have my chance next time.

Mr. Deputy-Speaker: Once the member's name is called and she does not wish to speak she foregoes her chance.

Shrimati G. Durgabai: Sir, while giving my support to this Bill I wish to make a few observations on this particular matter. Sir, hon. Members are aware that the object of this Bill is to centralise censorship of films. Now the present practice is that there are Provincial Boards working in the provinces deriving their authority from their respective Governments. This practice is sought to be put an end to by this Bill. I do not want to take much of the time of the House, Sir, in giving a detailed picture of the varied objects of this

[Shri O. V. Alagesan]

legislation because the hon. Minister who has brought the motion has already explained to the House the immediate object of this Bill. The position as we have understood it is that there is no uniform policy today with regard to the censorship of films. He has told us also how on account of this uniform policy being absent, how certain films certified in one province and exhibited in one province are rejected in the other province and are not allowed to be exhibited. That is the practice today and this is causing great confusion and also hardships to the producers. The producer today is not certain whether it is going to be accepted in his province or it is going to be rejected in the other province. Therefore certain anomalies have come to the notice of the Government and so today thought it advisable to centralize this particular function, namely censorship of the films. Sir, today it is very important that we should give a little thought over this matter, because we regard today radio, film and the press as very important factors and they make very important contributions to the side of propaganda and also in moulding public opinion. They also have got a vital role to play in educating the public and today under our Constitution there is an important task. Every adult is given franchise and if only we aim at having good Government, we have got to take note of the fact that we must have also efficient Government and for that we have to educate our masses. This country being a very big country, we cannot reach every adult who has to play some amount of influence and part in shaping the destinies of this country. Therefore, it is only through this film and the radio we have got to reach him. That is the necessity, to raise the standards of these films and introduce a uniform standard in the films that are coming today. The objects of the censorship are two-fold. One is to prevent unsuitable films from coming before us and secondly to raise the standard of films. These are the two important functions expected of this censorship Board. Today, Sir, we are aware that censorship is a post-mortem thing. It begins only after the picture is taken. So much raw film is wasted; so much time is wasted. We know how today these film staff are being paid and what salaries. In certain cases they amount to lakhs of rupees and after they have done their work the film comes for censorship and that has a post-mortem effect. We have got to prevent that. How are we to prevent it? A question may be asked "How are you going to censor a film before it is taken?" My answer to this is that if only there is a Central Board for this purpose, that Central Board after having taken into consideration all aspects of our national, political and cultural life of this country, of the past and the present traditions of this country, could lay down certain uniform standards and they could also study thoroughly the problems agitating them and which require to be solved. There should be some rules for guidance even before a film is taken for it may be a social film or a cultural film. There will be some amount of guidance that is necessary and it is highly necessary because so much money is wasted and that could be saved in this way.

Sir, we have heard criticisms that come from all quarters that it is an attempt to make inroads into Provincial autonomy and what the provinces today are exercising through their censorship boards, the Centre is trying to take away that power and there is also another criticism that the Board is going to be situated here and that it is not aware of the peculiarities of the provinces and that it is going to completely shut the cultural aspirations of the various units of this country. Provinces have got different cultures. They have got their own ambitions. It is a fact and there is some justification for that kind of doubt being raised because today these films are taken in the provincial languages. How can this one Board sitting either at Delhi or Bombay or Calcutta scrutinise all these things and the films that are taken in the provincial languages? How is it to understand the languages? Therefore it is not possible. There will be a lot of delay; there will be confusion and there will be inefficiency.

[Shrimati G. Durgabai]

All these criticisms we have heard. It is really true that while taking the responsibility, the Centre is taking really too great a responsibility. It will be a difficult task to try to examine all these films in vernaculars. But I only how and I can assure, not only as a member of the Standing Committee attached to this Ministry and also as coming from the Ministry, that these Boards, whether it is one board or two, they are going to be fully representative of the provincial languages also and that people will be drawn from local areas to represent on this Committee. But even there care should be exercised that there will be particular diligence and they should see that not only that members who serve on this committee as members know the language of a particular locality but also that they are quite conversant with the technique and also with the particular needs of that particular locality and also the cultural aspirations of the country. It is only such people who will be useful. It is not enough for a member to know the language. It is not sufficient for a member to go constantly to pictures. A frequent cinema-goer need not know and certainly, he does not know the aspects of cinema or the cinema industry. There is no good of such members coming to serve on these committees but there is certainly a need for examining before the members are being taken on this Committee.

Shri C. Subramaniam: Is it necessary that they should know about the technical side of the film also?

Shrimati G. Durgabai: There is no harm even for that person knowing about the technique also. That will be quite helpful. Therefore, I would like to impress upon the members that there is no such great danger and one need not apprehend that the provincial languages are going to get a set-back on this matter.

Shri A. Thanu Pillai (United State of Travancore and Cochin): May I ask the hon. Member what approximately would be the strength of that Committee?

Mr. Deputy-Speaker: The hon. Minister in his reply will answer all questions put to him. The hon. Member may go on.

Shrimati G. Durgabai: My time is up and I will only say this. Practically the scope of this Bill is very limited. We have already passed a Bill and that is with regard to the sanction of the exhibition of pictures suitable for adults and children. The limited scope of this Bill is only to constitute a Central authority in order to guide the exhibition of suitable films coming before the country. Sir, I would only urge that the hon. Members need not be apprehensive of this measure and care will be taken to see that their fears are not really justified and my hon. friend Begum Aizaz Rasul, I hope, will not have any opportunity hereafter to say that she would only send her children either to an English film or an American film in preference to an Indian film, because the films that will be coming before the Indian public will be very good and the standard also will be raised. Another hon. friend Mr. Tirumala Rao, has also made many points. He has given a detailed catalogue of all the pictures that have been exhibited in this country, their merits and demerits. They only justify that a uniform standard has got to be laid down and that function could only be discharged by the Centre and not by the Provinces. With these few words, I leave the other matters to be answered by the hon. Minister.

Mr. Deputy-Speaker: It is five o'clock now. The House will stand adjourned to 10.45 A.M. on Monday.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Monday, the 12th December 1949.